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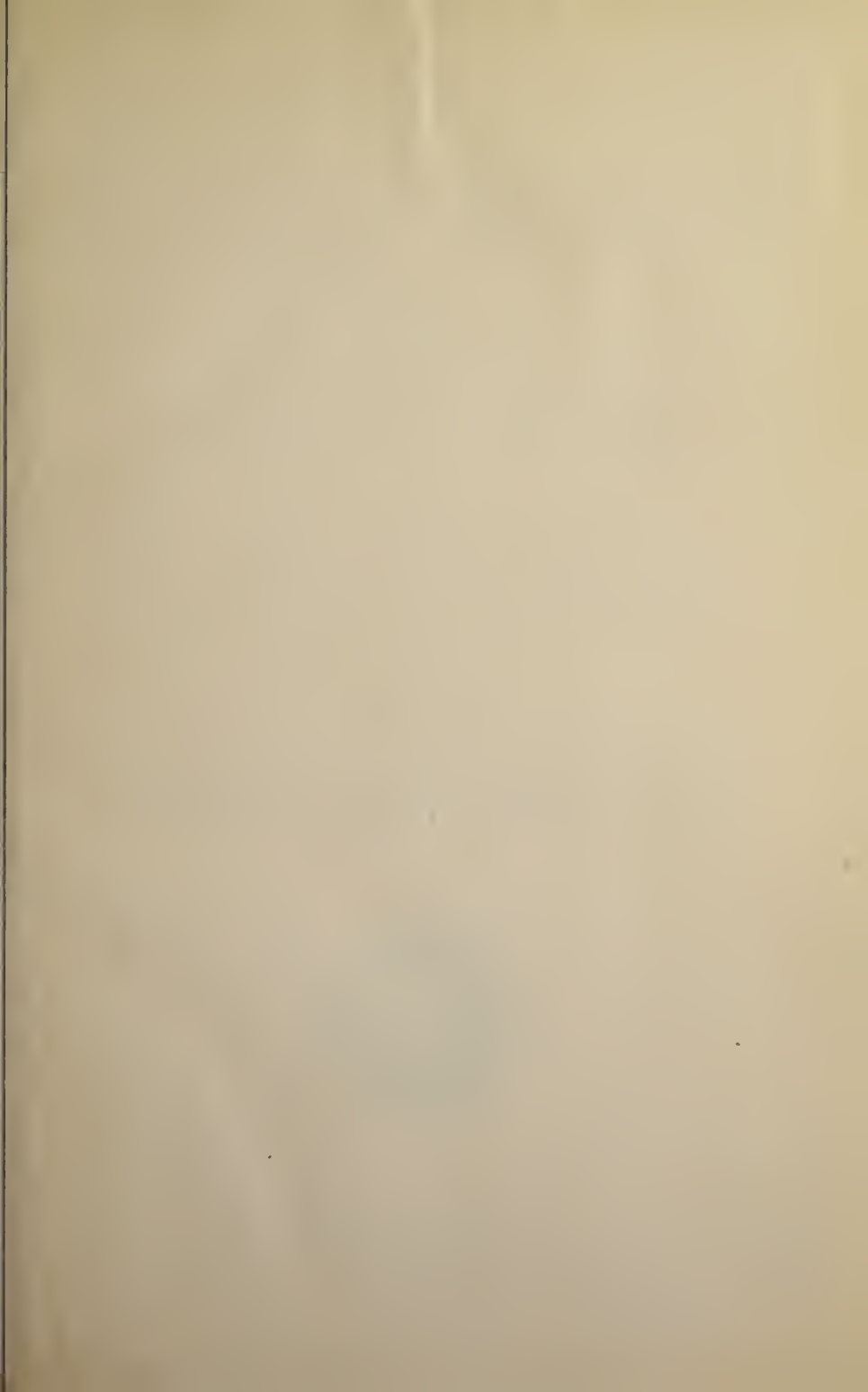
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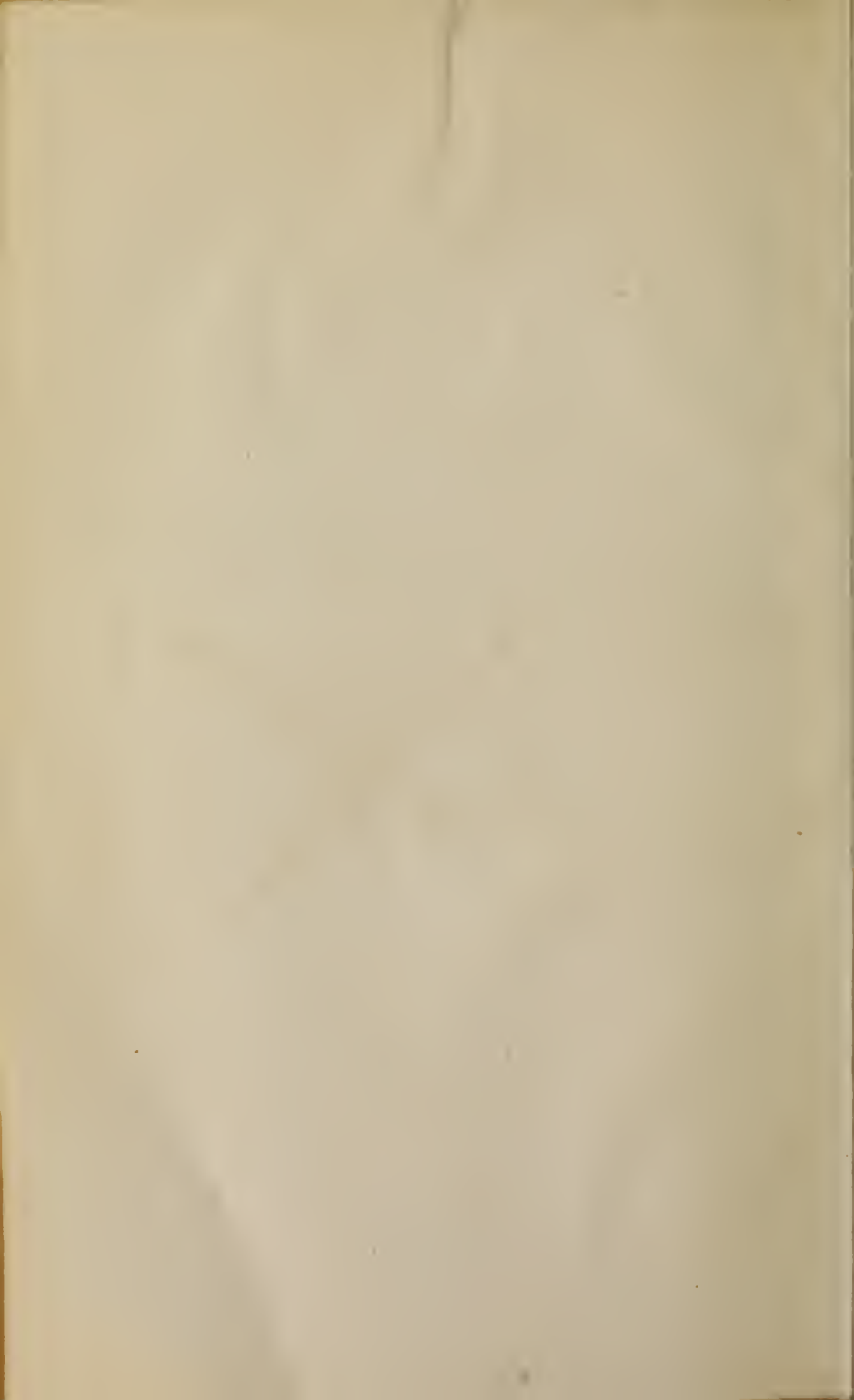
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THE
JOURNAL OF THE SENATE

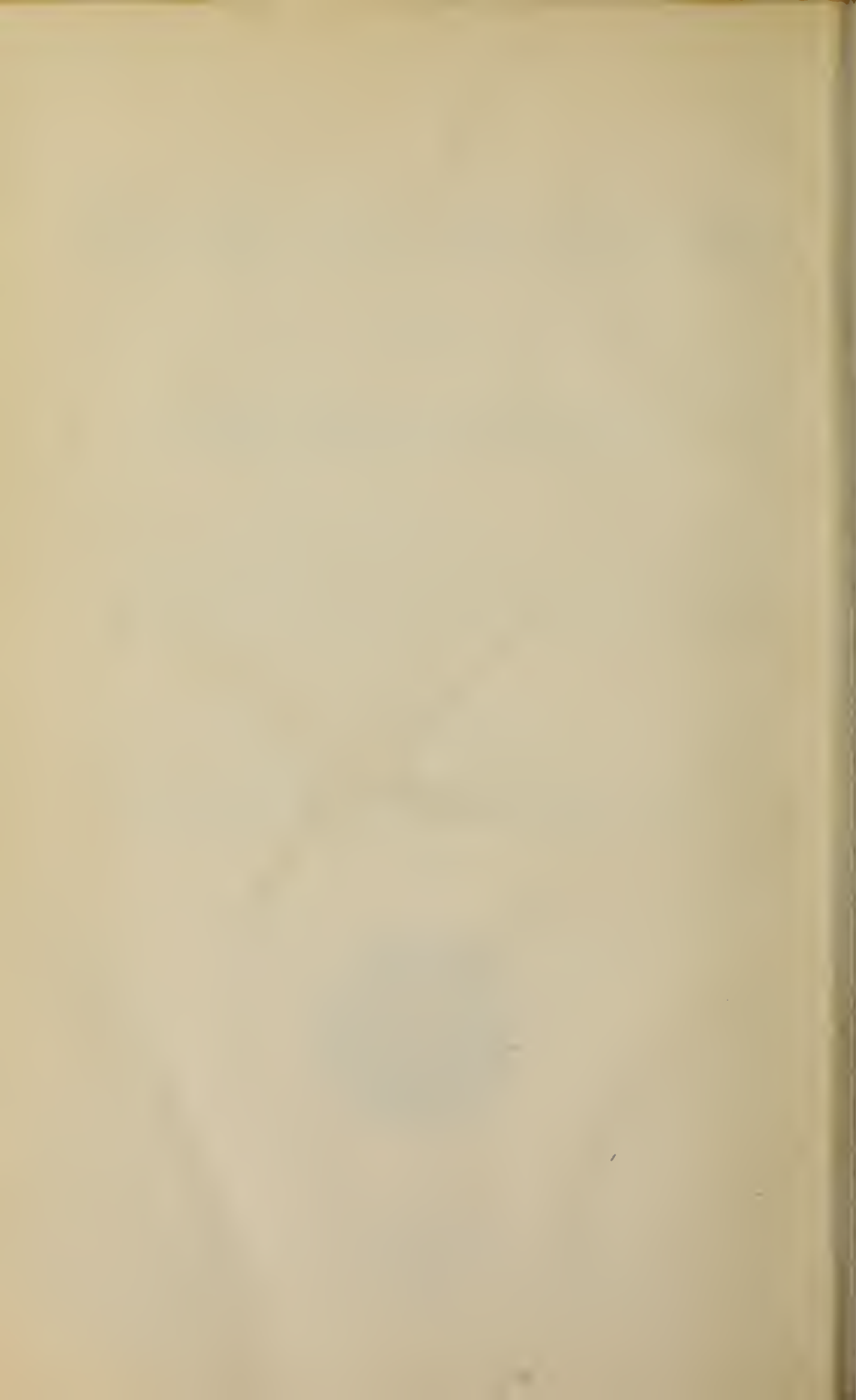
DURING THE
TWENTY-SIXTH (EXTRA) SESSION

OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA,
1886.

BEGAN ON TUESDAY, JULY TWENTIETH, AND ENDED ON SATURDAY, SEP-
TEMBER ELEVENTH, EIGHTEEN HUNDRED AND EIGHTY-SIX.



SACRAMENTO:
STATE OFFICE : : : P. L. SHOAF, SUPT. STATE PRINTING.
1887.



JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.



CALIFORNIA LEGISLATURE—SENATE.

TWENTY-SIXTH (EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER,)
Tuesday, July 20, 1886.)

The Senate met at twelve o'clock m., Hon. B. F. Langford in the chair, by virtue of Section 238, of Article II, Political Code of the State of California, in pursuance of the proclamation of the Governor of the State of California convening the Legislature of the State of California.

Hon. B. F. Langford now called the Senate to order.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Drum, Foster, Johnson of San Bernardino, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Rontier, Taylor, Vrooman, Whitney, and Wright.

Quorum present.

Prayer by the Rev. Mr. Trefren.

The President directed the Secretary to read the proclamation of the Governor convening the extra session of the Legislature.

Whereupon, the Secretary read the following proclamation:

PROCLAMATION.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, July 16, 1886.)

To the Senate and Assembly of the State of California:

In my judgment, an extraordinary occasion has arisen which renders it expedient and necessary for the public welfare that the Legislature should be called together.

The Supreme Court of the State, in a recent decision, announced that the riparian owners along the unnavigable streams in California owned the flowing waters in such streams and are entitled to the exclusive right to use the same. The widespread disaster which this decision threatens to the agricultural interests, and the consequent general excitement and apprehension, make it proper that the Legislative and Executive branches of the Government should take prompt and efficient action to prevent the injurious consequences which will otherwise inevitably flow from the establishment of such a rule of law by the highest Court in the Commonwealth.

Under the sanction of the laws and customs which prevailed in California when it was acquired from Mexico; under the protective policy of the National and State Governments, and in harmony with the climatic and physical characteristics of the country, a splendid system of irrigation has grown up since the American occupation. The flowing waters were deemed public property, and were considered as dedicated to the use of the people. The right to appropriate water for irrigation was regulated by custom and by statute law. Most of the soil of California was public land of the United States. But Congress expressly sanctioned the custom of appropriation and diversion of water, and expressly authorized it upon the public domain. The practice of irrigation was thus allowed to become general, and marked the progress of the agricultural development of

the State. The larger part of the great valley of California, and most of the southern portion of the State, were in a desert condition, owing to the aridity of climate and soil. Irrigation has transformed large areas of this splendid domain into luxuriant fields, vineyards, and orchards; hundreds of millions of taxable property have been created; many thousands of happy homes have been planted; colonies, villages, and towns have sprung up, and an intelligent and industrious population has been invited from abroad to develop the resources of the State. The agricultural prosperity already achieved, and the future possibilities of southern California, and of the great valley, which comprises much the larger part of the arable land of the State, have depended and will depend upon the ability of the people to use the waters of the State for irrigation.

The majority of the Judges of the Supreme Court have announced that any riparian proprietor may obtain an injunction against any person not a riparian proprietor, to prohibit him from appropriating, diverting, or using water from a stream above his land. Under this ruling, the ditches and canals, which are the arteries of the agricultural life of the State, may be closed by writs from the Courts, and, too, upon *ex parte* application, without notice, or warning, or opportunity of being heard until after irretrievable damage has been done. Many such suits are now pending. Writs of injunction have been asked for, and in some cases obtained, but have not been obeyed. Should an attempt be made to enforce them and others which are likely to issue, as is apprehended, serious trouble may ensue, because the people may resist to prevent the desolation of their homes, farms, vineyards, and orchards. But if they should not—if they should peaceably submit—still the injury to the State would be immeasurable. To suspend irrigation for one season would destroy thousands of homes and millions of property.

Other Western and Pacific States, having an arid climate similar to our own, have conformed their organic and statute laws to the necessities and requirements of their condition in this regard. Manifestly that course is demanded in California.

In view of these considerations, and particularly of the ruin and disaster which seem likely to flow from the enforcement of the doctrine recently announced by the Supreme Court as to water rights, it seems to me imperative that the Executive and the Legislature should take immediate action to confirm to the people the right to a free use of the flowing waters, which is essential to their prosperity and to the welfare of the State.

Another matter of great public concern is the reorganization of the Supreme Court. The existing system has not given satisfaction, and the evils are growing worse. It is cumbersome to a degree. The business is in arrears notwithstanding the creation of a Commission to assist the Judges. The plan of dividing the Court into departments has not worked well. It leads to the necessity of hearing cases twice over. A litigant defeated before a minority of the Court, appeals to the Judges in bank, and the whole work must be gone over. The system is perplexing and unsatisfactory to everybody. And, furthermore, the salaries paid to the Judges of the Supreme Court are too small. Lawyers eminent in their profession cannot accept the places without making a sacrifice which the State ought not to require. But the compensation now provided cannot be increased during the incumbency of the present Judges. In my judgment the Court should be reorganized. The system of departments should be abolished. A Court constituted of a compact body of Judges will accomplish more. Their pay should be increased so as to secure the best talent in the State.

Now, therefore, I, George Stoneman, Governor of the State of California, deeming that an extraordinary occasion has arisen, by virtue of the power in me vested by the Constitution of the State, do hereby convene the Legislature to meet and assemble at the State Capitol on the twentieth day of July, 1886, at twelve o'clock *a.* *m.*, of that day, and I do hereby specify the following subjects upon which it is assembled to legislate:

First—To propose and submit to the people of the State an amendment or amendments to Article XIV of the Constitution of the State, relative to water and water rights.

Second—To propose and submit to the people of the State such amendment or amendments to the Constitution of the State as may be necessary, or proper, to secure to the people the right of appropriation, diversion, and use, of flowing water for irrigation or other beneficial purposes, as may be necessary or proper to protect all such rights in the Courts of the State.

Third—To enact all laws necessary or proper to protect the people of the State in the full and free enjoyment of the right to appropriate, divert, and use flowing water in the State for irrigation, or other beneficial purposes, and so as to fully protect all such rights in the Courts.

Fourth—To repeal Section 1422 of the Civil Code.

Fifth—To propose and submit to the people of the State an amendment or amendments to Article VI of the Constitution of the State, relative to the Judicial Department, so far as it relates to the Supreme Court.

Sixth—To enact a law to provide for submitting the constitutional amendments proposed to a vote of the people.

Seventh—To provide by appropriation for the expenses of holding an election for the ratification or rejection of such proposed amendments to the Constitution.

In witness whereof, I have hereunto set my hand, and caused the Great Seal of the State to be affixed at my office, in the City of Sacramento, this sixteenth day of July, A. D. 1886.

GEORGE STONEMAN,
Governor.

Attest:
THOS. L. THOMPSON, Secretary of State.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., Mr. Del Valle moved to adjourn until two o'clock P. M. Wednesday, July 21, 1886, out of respect to the memory of the deceased Senator, A. B. Beauvais.

Carried, by a rising vote.

IN SENATE.

SENATE CHAMBER,
Wednesday, July 21, 1886. }

The Senate met at two o'clock P. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

LEAVE OF ABSENCE.

Leave of absence for one day was granted to Senator Parker.

By unanimous consent, the names of Senators Kellogg, Filcher, Saxe, Wallis, and Boone were ordered recorded as being present at roll call on Tuesday, July 20, 1886.

RESOLUTION.

Mr. Kellogg offered the following resolution:

Resolved, That we do now proceed to the organization of the Senate, by the election of the following officers, to wit: President pro tem., one Secretary, two Assistant Secretaries, a Minute Clerk, an Assistant Minute Clerk, a Journal Clerk, an Assistant Journal Clerk, an Engrossing Clerk, an Enrolling Clerk, a Sergeant-at-Arms, an Assistant Sergeant-at-Arms, a Postmaster, and a Chaplain.

Adopted.

PRESIDENT PRO TEM.

Mr. McClure nominated Benjamin Knight for President pro tem.

The roll was called, with the following result:

For Knight—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Whitney, and Wright.
For Whitney—Mr. Wallis.

Whole number of votes cast.....	33
Necessary to a choice	17
Hon. Benjamin Knight received.....	32
Hon. G. E. Whitney received	1

Hon. Benjamin Knight, having received a majority of all the votes cast, was duly declared elected President pro tem. of the Senate.

SECRETARY OF THE SENATE.

Mr. Cox nominated Edwin F. Smith.

The roll was called, with the following result:

For Smith—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

Whole number of votes cast	34
Necessary to a choice	18

Mr. Smith, having received all the votes cast, was duly declared elected Secretary of the Senate.

ASSISTANT SECRETARIES.

Mr. Lowe nominated F. J. Saxe.

Mr. Kelly nominated J. J. McCarthy.

The roll was called, with the following result:

For Saxe—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Wallis, Whitney, and Wright.

For McCarthy—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Wallis, Whitney, and Wright.

Whole number of votes cast	33
Necessary to a choice	17

Messrs. F. J. Saxe and J. J. McCarthy, having received all the votes cast, were duly declared elected Assistant Secretaries of the Senate.

MINUTE CLERK.

Senator Dougherty nominated R. G. Falk.

The roll was called, with the following result:

For Falk—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Wallis, Whitney, and Wright.

Whole number of votes cast	33
Necessary to a choice	17

R. G. Falk, having received all the votes cast, was duly declared elected Minute Clerk of the Senate.

ASSISTANT MINUTE CLERK.

Senator Lowe nominated Guy H. Salisbury.

The roll was called, with the following result:

For Salisbury—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

Whole number of votes cast	33
Necessary to a choice	17

Guy H. Salisbury, having received all the votes cast, was duly declared elected Assistant Minute Clerk of the Senate.

JOURNAL CLERK.

Mr. Kelly nominated J. F. Meagher.

The roll was called, with the following result :

For Meagher—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

Whole number of votes cast	34
Necessary to a choice	18

J. F. Meagher, having received all the votes cast, was duly declared elected Journal Clerk of the Senate.

ASSISTANT JOURNAL CLERKS.

Mr. Whitney nominated C. S. McMullan.

Mr. Kellogg nominated John McNulty.

The roll was called, with the following result :

For McMullan—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

For McNulty—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

Whole number of votes cast	32
Necessary to a choice	17

Messrs. McNulty and McMullan, having received all the votes cast, were duly declared elected Assistant Journal Clerks of the Senate.

ENGROSSING CLERK.

Mr. Lowe placed in nomination Geo. F. Tuttle.

Mr. Perry nominated G. W. Jackson.

The roll was called, with the following result:

For Tuttle—Messrs. Cross, Del Valle, Dougherty, Filcher, Foster, Johnson of Sonoma, Kelly, Knight, Langford, Lowe, Lynch, Reddy, Spencer of Napa, Taylor, Wallis, Whitney, and Wright.

For Jackson—Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Drum, Johnson of San Bernardino, Kellogg, Mahler, McClure, Palmieri, Parkinson, Perry, Routier, Saxe, and Vrooman.

Whole number of votes cast	34
Necessary to a choice	18
Mr. Tuttle received	17
Mr. Jackson received	17

The vote being a tie, the President exercised his constitutional right, and directed his vote to be recorded for Mr. Tuttle.

Mr. Tuttle, having received a majority of all the votes cast, was duly declared elected Engrossing Clerk.

ASSISTANT ENGROSSING CLERK.

Mr. Johnson of Sonoma nominated Miss Josie Wolfskill.

The roll was called, with the following result:

For Josie Wolfskill—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Whitney, and Wright.

Whole number of votes cast.....	33
Necessary to a choice.....	17

Miss Wolfskill, having received all the votes cast, was duly declared elected Assistant Engrossing Clerk.

ENROLLING CLERK.

Mr. Taylor nominated P. M. Sullivan.

The roll was called, with the following result:

For Sullivan—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Whitney, and Wright.

Whole number of votes cast.....	33
Necessary to a choice.....	17

Mr. Sullivan, having received all the votes cast, was duly declared elected Enrolling Clerk of the Senate.

SERGEANT-AT-ARMS.

Senator Reddy nominated I. G. Messec.

The roll was called, with the following result:

For Messec—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Whitney, and Wright.

Whole number of votes cast.....	33
Necessary to a choice.....	17

Mr. Messec, having received all the votes cast, was duly declared elected Sergeant-at-Arms of the Senate.

ASSISTANT SERGEANT-AT-ARMS.

Senator Langford nominated Wm. DeVries.

Senator Drum nominated Mr. Coleman.

Senator Cross nominated Joseph Worrill.

The roll was called, with the following result:

For DeVries—Messrs. Boone, Chandler, Cox, Del Valle, Filcher, Johnson of Sonoma, Kellogg, Langford, Lowe, Mahler, Perry, Taylor, and Wright.

For Worrill—Messrs. Cross, Days, DeLong, Johnson of San Bernardino, Parkinson, Reddy, Saxe, Spencer of Napa, and Whitney.

For Coleman—Messrs. Creighton, Dougherty, Drum, Foster, Kelly, Knight, Lynch, McClure, Palmieri, Routier, and Vrooman.

Whole number of votes cast.....	33
Necessary to a choice.....	17
Wm. DeVries received.....	13
Jos. Worrill received.....	9
Mr. Coleman received.....	11

There being no choice, the Secretary proceeded to call the roll, with the following result :

For DeVries—Messrs. Boone, Chandler, Del Valle, Filcher, Johnson of Sonoma, Kellogg, Langford, Lowe, Mahler, Taylor, and Wright.

For Worrill—Messrs. Cross, Days, DeLong, Johnson of San Bernardino, Parkinson, Reddy, Spencer of Napa, and Whitney.

For Coleman—Messrs. Cox, Creighton, Dougherty, Drum, Foster, Kelly, Knight, Lynch, McClure, Palmieri, Perry, Routier, Saxe, and Vrooman.

Whole number of votes cast.....	33
Necessary to a choice.....	17
Mr. DeVries received.....	11
Mr. Coleman received.....	8
Mr. Worrill received.....	14

There being no choice, the Secretary proceeded to call the roll, with the following result :

For DeVries—Messrs. Boone, Chandler, Cox, Johnson of Sonoma, Kellogg, Langford, Taylor, Wallis, and Wright.

For Worrill—Messrs. Cross, Days, DeLong, Del Valle, Filcher, Johnson of San Bernardino, Lowe, Mahler, Parkinson, Reddy, Spencer of Napa, and Whitney.

For Coleman—Messrs. Creighton, Dougherty, Drum, Foster, Kelly, Knight, Lynch, McClure, Palmieri, Perry, Routier, Saxe, and Vrooman.

Whole number of votes cast.....	34
Necessary to a choice.....	18
Mr. DeVries received.....	9
Mr. Coleman received.....	12
Mr. Worrill received.....	13

There being no choice, the Secretary proceeded to call the roll, with the following result :

Pending the call of the roll, Mr. Spencer of Napa placed in nomination W. E. Bond.

For DeVries—Messrs. Cox, Johnson of Sonoma, Langford, and Perry.

For Worrill—Messrs. Boone, Chandler, Cross, Days, DeLong, Del Valle, Johnson of San Bernardino, Lowe, Mahler, Parkinson, Reddy, Routier, Saxe, Wallis, and Whitney.

For Coleman—Messrs. Creighton, Dougherty, Drum, Foster, Kelly, Knight, Lynch, McClure, Vrooman, and Wright.

For Bond—Messrs. Filcher, Kellogg, Spencer of Napa, and Taylor.

Whole number of votes cast.....	34
Necessary to a choice.....	18
Mr. DeVries received.....	4
Mr. Coleman received.....	11
Mr. Worrill received.....	15
Mr. W. E. Bond received.....	4

There being no choice, the Secretary proceeded to call the roll, with the following result :

* *For DeVries*—Messrs. Baldwin, Chandler, Cox, Johnson of Sonoma, Langford, Perry, and Taylor.

For Worrill—Messrs. Cross, Days, DeLong, Del Valle, Johnson of San Bernardino, Lowe, Mahler, Parkinson, Reddy, Routier, Wallis, and Whitney.

For Coleman—Messrs. Boone, Creighton, Dougherty, Drum, Foster, Kelly, Kellogg, Knight, Lynch, McClure, Palmieri, Saxe, Vrooman, and Wright.

For Bond—Messrs. Filcher and Spencer of Napa.

Whole number of votes cast.....	35
Necessary to a choice.....	18
Mr. DeVries received.....	7
Mr. Coleman received.....	14
Mr. Worrill received.....	12
Mr. Bond received.....	2

There being no choice, the Secretary proceeded to call the roll, with the following result :

For DeVries—Messrs. Baldwin, Cox, Johnson of Sonoma, Langford, Lynch, Perry, and Taylor.

For Worrill—Messrs. Boone, Chandler, Cross, Days, DeLong, Del Valle, Filcher, Johnson of San Bernardino, Lowe, Mahler, Parkinson, Routier, Saxe, Wallis, Whitney, and Wright.

For Coleman—Messrs. Creighton, Dougherty, Drum, Kelly, Kellogg, Knight, McClure, Palmieri, Reddy, and Vrooman.

For Bond—Mr. Speneer of Napa.

Whole number of votes cast.....	35
Necessary to a choice.....	18
Mr. DeVries received.....	7
Mr. Coleman received.....	11
Mr. Worrill received.....	16
Mr. Bond received.....	1

There being no choice, the Secretary proceeded to call the roll, with the following result:

For DeVries—Messrs. Baldwin, Filcher, Johnson of Sonoma, and Langford.

For Worrill—Messrs. Boone, Chandler, Cross, Days, DeLong, Johnson of San Bernardino, Mahler, Routier, Wallis, and Whitney.

For Coleman—Messrs. Cox, Creighton, Dougherty, Drum, Foster, Kelly, Kellogg, Knight, Lynch, McClure, Palmieri, Parkinson, Reddy, Saxe, Taylor, Vrooman, and Wright.

For Bond—Messrs. Del Valle and Spencer of Napa.

Whole number of votes cast.....	33
Necessary to a choice.....	17
Mr. DeVries received.....	4
Mr. Coleman received.....	17
Mr. Worrill received.....	10
Mr. Bond received.....	2

Mr. Coleman, having received a majority of all the votes cast, was duly declared elected Assistant Sergeant-at-Arms of the Senate.

POSTMISTRESS.

Senator DeLong nominated Mrs. Lizzie T. Russell.

The roll was called, with the following result:

For Mrs. Russell—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Speneer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

Whole number of votes cast.....	33
Necessary to a choice.....	17

Mrs. Russell, having received all the votes cast, was duly declared elected Postmistress of the Senate.

CHAPLAIN.

Mr. Wright nominated Rev. J. L. Trefren.

The roll was called, with the following result:

For Trefren—Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

Whole number of votes cast.....	33
Necessary to a choice	17

Rev. Mr. Trefren, having received all the votes cast, was duly declared elected Chaplain of the Senate.

RESOLUTIONS.

By Mr. Lynch (as amended):

Resolved, That the Secretary be instructed to inform the Assembly that the Senate has organized by the election of—

President pro tem.—Benjamin Knight.

Secretary—Edwin F. Smith.

Assistant Secretaries—F. J. Saxe and J. J. McCarthy.

Minute Clerk—R. G. Falk.

Assistant Minute Clerk—Guy H. Salisbury.

Journal Clerk—John F. Meagher.

Engrossing Clerk—G. F. Tuttle.

Assistant Engrossing Clerk—Miss Josie Wolfskill.

Sergeant-at-Arms—E. G. Messec.

Enrolling Clerk—P. M. Sullivan.

Postmistress—Mrs. Lizzie T. Russell.

Chaplain—Rev. J. L. Trefren.

And that this body is prepared for the transaction of legislative business.

So ordered.

By Mr. Taylor:

Resolved, That a committee of three be appointed by the President of the Senate, to act in conjunction with a like committee from the Assembly, to wait upon the Governor and inform him that both Houses are now duly organized and ready to receive any communications he may desire to make.

Adopted.

The President appointed as such committee, Senators Taylor, Del Valle, and Lowe.

By Mr. Kellogg:

Resolved, That the Standing Rules of the Senate of the twenty-sixth session of the Legislature of California, except Rules 7, 8, 16, and 49 thereof, be and the same are hereby adopted temporarily as the rules of this Senate.

Adopted.

By Mr. Langford:

Resolved, That a committee of five on Rules be appointed by the President.

Mr. Kellogg offered the following as a substitute:

Resolved, That the President of the Senate be and is hereby authorized to appoint the following committees:

First—A Committee on Contingent Expenses, Mileage, and Attachés, consisting of five Senators.

Second—A Committee on Judiciary, consisting of fifteen Senators.

Third—A Committee on Engrossed Bills, consisting of five Senators.

Fourth—A Committee on Irrigation and Water Rights, consisting of eleven Senators.

Fifth—A Committee on Constitutional Amendments, consisting of seven Senators.

Sixth—A Committee on Rules, consisting of five Senators.

Substitute lost.

The question recurring on the original resolution offered by Mr. Langford, the same was adopted.

The President appointed as Committee on Rules, Senators Cross, Del Valle, McClure, Johnson of Sonoma, and Whitney.

RESOLUTIONS.

By Mr. Kellogg :

Resolved, That the President of the Senate be and he is hereby authorized to appoint three Pages for the floor of the Senate and one Page for the President's desk.

Adopted.

Also :

Resolved, That each Senator be allowed the sum of \$25 for contingent expenses, payable out of the Contingent Fund of the Senate.

On motion of Senator Lyneh the resolution was ordered referred to the Committee on Contingent Expenses and Mileage when appointed.

By Mr. Kellogg:

Resolved, That the President of the Senate be and he is hereby authorized to appoint two Gatekeepers.

Adopted.

Also :

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to appoint a Clerk to the Sergeant-at-Arms for this session.

Adopted.

MAIL CARRIER.

Mr. Chandler moved to proceed to the election of a Mail Carrier.

So ordered.

Upon motion of Senator Chandler, Joseph Pinkard was duly declared elected Mail Carrier.

RESOLUTION.

By Mr. Johnson of Sonoma:

Resolved, That the President of the Senate be authorized to appoint the same number of Watchmen and Porters as at the last regular session.

Adopted.

By Mr. Cox :

Resolved, That the Sergeant-at-Arms be and is hereby authorized to secure a Post Office box for the use of the Senate during this extra session, and purchase ice for the use of the Senate, the same to be paid for out of the Contingent Fund of the Senate.

On motion of Mr. Lyneh, the resolution was ordered referred to the Committee on Contingent Expenses and Mileage, when appointed.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, July 20, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly is in session, pursuant to the proclamation of his Excellency the Governor, dated July 16, 1886, and is ready for the transaction of business.

Also, that the Assembly appointed Messrs. May, Munday, and Jordan to, in conjunction with a similar committee from the Senate, wait upon his Excellency the Governor informing him that the two Houses are ready for the transaction of business.

FRANK D. RYAN, Chief Clerk.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to the desk:

By Mr. Del Valle: Senate Bill No. 1—An Act concerning the ownership of water in natural innavigable streams, and providing for the acquisition thereof by appropriation.

By Mr. Wright: Senate Bill No. 2—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

By Mr. Reddy: Senate Bill No. 3—An Act to propose to the people of the State an amendment to the Constitution of the State of California relative to water and water rights.

By Mr. Lowe: Senate Bill No. 4—An Act to propose to the people of the State an amendment to the Constitution of the State of California relative to water and water rights.

By Mr. Whitney: Senate Bill No. 5—An Act to declare the title to water in rivers, streams, lakes, and ponds, and the right to its use.

Also, Senate Bill No. 6—An Act concerning common carriers of water, and to define their duties.

CONCURRENT RESOLUTION No. 1.

By Mr. Filcher:

Be it resolved by the Senate, the Assembly concurring, That the Secretary of State be and he is hereby instructed and directed to furnish the work known and entitled "Irrigation Development," by Wm. H. Hall, State Engineer, and published by and under authority of this State, as follows: One copy to each State officer, one copy to each State Senator and member of the Assembly, ten copies to the State Library, and that this resolution shall be his voucher therefor.

Adopted.

ADJOURNMENT.

At three o'clock and fifty minutes P. M., on motion of Mr. Del Valle, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, July 22, 1886.)

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of Tuesday, July twentieth, read, and of Wednesday, July twenty-first, read—as far as page nine.

Pending the reading of the Journal, Mr. Boone asked leave to introduce a resolution.

Granted.

Mr. Boone introduced the following resolution:

WHEREAS, General W. T. Sherman, of the United States Army, will arrive in this city by the eleven o'clock and thirty minutes train of this day, and whereas the people of the State of California hold in kind and respectful remembrance his deeds and military achievements in connection with the late war of the rebellion; now, therefore, be it

Resolved, That a committee of three be appointed by the President of the Senate to meet General Sherman on his arrival, and invite him to this Senate Chamber, to meet and receive the congratulations of this Senate, as a representative body of the State.

Adopted.

The President appointed as such committee, Senators Boone, DeLong, and Fileher.

Mr. Del Valle moved to dispense with the further reading of the Journal.

Lost.

Reading of Journal continued.

Journal approved.

OATH OF OFFICE.

The officers elect appeared and subscribed to the oath of office, administered by the President as follows:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected, to the best of my ability, so help me God.

The President announced the following appointments:

Porter for Sergeant-at-Arms, Carter Jackson; Gallery, Hank Jones; Lieutenant Governor's Room, C. Robinson; Porters, Jno. H. Farrell, Daniel Cogan, W. G. Linn; Rear Porter, E. Clark; Gatekeepers, Hugh Lynch, Jos. Wagner; Watchmen, Chas. Connell, Oscar Marshal, J. Toohy; Pages, Jas. Longshore, Walter Toomey; for President's desk, Harry Nottingham, F. Lascey.

REPORT OF COMMITTEE ON RULES.

SENATE CHAMBER, SACRAMENTO, July 21, 1886.

MR. PRESIDENT: Your Committee on Rules beg leave to submit the following as the Standing Rules of the Senate of California for the twenty-sixth (extra) session:

STANDING RULES OF THE SENATE.

1.

Opening of the Daily Sessions.

The time of meeting of the Senate shall be eleven o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable to only one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock and thirty minutes to two P. M.; *provided*, that on Mondays the time of meetings shall be one o'clock and thirty minutes P. M.

2.

Calling to Order—Reading Journal.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

3.

President Pro Tem.—His Powers and Privileges.

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power

as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

4.

Attendance, Duties, and Obligations of Senators.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

5.

Order of Business.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Introduction of Bills.
7. First Reading of Bills.
8. Second Reading of Bills.
9. Third Reading of Bills.
10. Motions, Resolutions, and Notices.
11. Unfinished Business of the preceding day.
12. Special Orders of the day.
13. Reports from the Committee on Enrollment and on Engrossment shall at all times be in order; *provided*, that the messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

6.

Introduction and Reading of Bills.

Any Senator desiring to introduce a bill, shall rise in his place and address the President, and upon being recognized, shall present the same, and the title shall be announced from the Secretary's desk, when it shall be referred to a standing committee, and be printed, and a copy be placed on each member's desk. Every bill shall be read on three several days previous to its passage, unless, in case of urgency, two thirds of the Senate shall by vote of ayes and noes dispense with this provision, and the last reading shall be at length. The President shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the Senate has so determined by a vote.

7.

The General File.

No bill shall lose its place upon the file by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

8.

Secretary to Post General File Daily.

The Secretary shall post each morning, in a conspicuous place, and place upon the desk of each Senator, a list of all bills upon the General File, giving their order, and also setting forth their number, and so much of their title as necessary to enable the Senators to understand their general purport.

9.

Bills Engrossed to be Examined and Reported.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

10.

Engrossed Bills have Preference.

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a General File, and shall be taken up for consideration and passage in the order of their being placed on the file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

11.

Amendments and Substitutes.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

12.

Amendments and Substitutes must be Germane.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

13.

Least Sum and Shortest Time in Filling Blanks.

In filling up blanks, the least sum or number and the shortest time shall be put first.

14.

Short of Final Question, Two-thirds Vote not Requisite on Propositions to Amend Constitution.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

15.

Standing Committees.

The following Standing Committees shall be appointed:

1. Committee on Attachés, Contingent Expenses, and Mileage, to consist of seven members.
2. Committee on Engrossed Bills, to consist of six members.
3. Committee on Enrolled Bills, to consist of six members.
4. Committee on Judiciary, to consist of fifteen members.
5. Committee on Irrigation and Water Rights, to consist of eleven members.
6. Committee on Finance, to consist of seven members.
7. Committee on Constitutional Amendments, to consist of eleven members.
8. Committee on Rules, to consist of five members.
9. Committee on Printing, to consist of five members.

16.

Committees Appointed by President, Unless Otherwise Ordered.

All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be appointed by the President, unless otherwise specially ordered.

17.

Attachés of Committees.

No committee, standing or special, shall elect a clerk or Sergeant-at-Arms, except, that the Committees on Attachés, Contingent Expenses, and Mileage, on Irrigation and Water Rights, and on Constitutional Amendments, shall each be entitled to one clerk, and the Committee on Judiciary to two clerks.

18.

Order of Questions on Motion to Refer.

When a resolution shall be offered or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

19.

Claims on Contingent Fund must go to the Committee on Contingent Expenses.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses. This rule has no application to the election of attachés of the Senate.

Order of Privileged Questions Under Debate.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Motion not to be Debated until Seconded and Announced.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

Reading of a Paper, if Objected to, Determined without Debate.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

Senators must Address the President.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

The Senator Entitled to Floor.

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

Senator, when Called to Order, must Sit Down.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

Final Question on Second Reading of Bills—No Amendment on Third Reading, but may Commit.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the ayes and noes, and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

Ayes and Noes—Members must Answer—No Vote after Announcement of Vote.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

Notice of Reconsideration.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a Senator voting with the majority; and it shall not be in order

for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

29.

Secretary, upon Notice of Reconsideration, not to Report Bill to Assembly.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

30.

Titles of Bills must be in Journal.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

31.

When not in Committee of the Whole, Proceedings must be Entered in Journal—Votes Always Entered.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall also be inserted in the Journal.

32.

Rules in Senate and Committee of the Whole.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

33.

Cases not Provided for, Cushing to Govern.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

34.

Suspending and Changing Rules.

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators present, except that portion of Rule 6 relating to the final passage of bills; all proposed amendments to these rules shall be referred to the Committee on Rules without debate.

35.

Powers and Prerogatives of President.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

36.

President may Order Lobbies Cleared.

In case of a disturbance, or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

37.

President may call Senators to the Chair.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

38.

Sergeant-at-Arms.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and for traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty

of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

39.

Messengers—When Introduced.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are being called, or while the ballots are being counted.

40.

Doorkeeper.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the Assembly, State officers, officers of the two Houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

41.

Executive Nominations.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be, unless the Senate shall by a majority vote otherwise direct, acted upon at once.

42.

Printing.

One thousand and eighty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity, before payment shall be made or bills audited therefor. Two copies of each bill or paper printed by order of the Senate shall be delivered to each Senator, and six copies to the committee to whom such bill is referred, and the balance shall be distributed according to law.

43.

Number of Copies to be Printed.

Three hundred and sixty copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

44.

Secret Session.

On a motion made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the Senators, Secretaries, Sergeant-at-Arms, and Doorkeeper of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined by order of the Senate.

45.

Order of Engrossing and Enrolling Bills.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt, by said Engrossing Clerk; and all Senate bills shall, after their final passage by, and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

46.

Printing the Daily Journal.

The Superintendent of State Printing shall print a sufficient number of copies of the Journal of every day's proceedings of the Senate to supply Senators, daily, during the session, with the Journal of the previous day's proceedings; and, also, a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate required by law.

47.

Author to Speak Last.

The author of a bill, motion, or resolution, shall have the privilege of closing the debate.

All committees of the Senate shall report their action on all bills or matters referred to them within five days after reference, unless otherwise specially ordered.

CROSS, Chairman.

Adopted.

Mr. Perry moved to declare the position of Engrossing Clerk vacant, as Mr. G. F. Tuttle had not made his appearance.

Mr. Baldwin moved to postpone the subject-matter for one day.

Ayes and noes demanded by Senators Kellogg, Lynch, and Perry.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cross, Del Valle, Johnson of Sonoma, Kelly, Langford, Lynch, Mahler, Parkinson, Reddy, Saxe, Spencer of Napa, Taylor, and Wright—16.

NOES—Messrs. Creighton, Days, Dougherty, Drum, Johnson of San Bernardino, Kellogg, Knight, McClure, Palmieri, Perry, Routier, Vrooman, Wallis, and Whitney—14.

LEAVE OF ABSENCE.

Four days' leave of absence was granted to Senator Foster.

RESOLUTION.

Mr. Kellogg offered the following:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to appoint a Page for the present session.

Adopted.

The Sergeant-at-Arms appointed Willie Jobson as Page.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and ordered to the desk:

By Mr. Cross: Senate Bill No. 7—An Act to submit to the vote of the people of the State of California the question of creating and maintaining State waterworks, for irrigation and other beneficial uses.

Also, Senate Bill No. 8—An Act to provide funds for the erection and maintenance of State waterworks.

Also, Senate Bill No. 9—An Act to create the State Board of Water Commissioners, and prescribing its duties and powers.

PETITIONS.

Petitions were presented by Senator Kellogg, from Butte County; by Senator Reddy, from Kern and Fresno; by Senator Wright, from Solano and Yolo; by Senator Baldwin, from San Joaquin; by Senator Johnson of San Bernardino, from San Bernardino; by Senator Whitney, from Alameda; by Senator McClure, from San Francisco and Alameda, relating to water and water rights.

Mr. Taylor, from committee appointed to wait on the Governor, reported as follows:

MR. PRESIDENT: Your committee appointed, pursuant to resolution, to act in conjunction with a like committee from the Assembly, to wait upon the Governor and inform him of the organization of both houses, most respectfully report that they have performed that pleasurable duty, and have been informed by his Excellency that he will communicate with the Senate by message.

MESSAGE FROM THE GOVERNOR.

Pending the reading of the Governor's message, the committee appointed to invite General Wm. T. Sherman to the Senate arrived and presented the General to the Senate, whereupon, at twelve o'clock M., the President declared a recess for ten minutes.

REASSEMBLED.

At twelve o'clock and ten minutes P. M. the Senate reassembled.

President Daggett in the chair.

The reading of the Governor's message continued.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, July 22, 1886. }

To the Senate and Assembly of the State of California:

GENTLEMEN: My proclamation in bringing you together in extra session of the Legislature calls on you to legislate and take action on only two subjects, namely:

First—Irrigation or water rights; and,

Second—Reorganization of the Supreme Court.

The proclamation sets forth my views fully on these subjects, and the urgent reasons which impelled me to call you from your homes and occupations at this sultry midsummer season.

The emergency is great and pressing. It demands prompt, wise, and careful action. Reliance upon our statutes and upon the judicial interpretation of the law to regulate satisfactorily water and water rights in this State has practically failed. Public opinion is united and irresistible in the demand for legislative action which will prevent threatened disaster to our vast agricultural interests. In many sections of the State, embracing a vast area now attracting a rapid tide of immigration, a feeling of dissatisfaction and irritation prevails regarding the claims and threatened or pending action of riparian owners, which may culminate in danger to the peace and good order of the State unless averted by just and timely legislation.

Until the contentions arising between the riparian and irrigation interests are adjusted upon an equitable and practicable basis—intrrenched in our Constitution and laws and safe-guarded in our Courts—immigration will be retarded, agricultural development checked, and all the industrial resources of the State crippled or impaired.

The merchants and business men in general feel, at this juncture, that their prosperity is at stake. They unite with the farmers and fruit-growers in this urgent call for a redress of grievances on the all-absorbing water question.

Property worth millions of dollars—including alike the large tracts owned by the rich and the small farms by the settler—is threatened with destruction pending the settlement of this question of riparian ownership. It is a question of far-reaching and vital importance, which materially affects the interests of agriculturists in many States and Territories, and one which, in this State, has reached a painful crisis in consequence of the recent decision of the Supreme Court in favor of riparian owners.

That you are alive and earnest in the interest of the tillers of the soil—the interests of all—is evident from the fact that such a large majority of your honorable body have united in a request to me, as Chief Executive, to call this extra session of the Legislature. Believing, with you, in its imperative necessity, I have done my part in the good work by promptly responding to your call. It now remains with you faithfully and energetically to do your part by legislating on the lines indicated in my proclamation.

One of the certain and not remote results of such action by you will be the division of large land holdings into small tracts where men of humble means can, by industry and thrift, convert the arid land into productive fields, orchards, and vineyards. Thousands of happy homes will then dot the land.

With regard to the second subject recommended in the proclamation for legislative action, my views are therein clearly put forward.

That the Supreme Court, under its present cumbrous operative system, has failed to realize the aims and accomplish the results intended by the framers of our State Constitution is palpably evident to all interested in the efficient and satisfactory working of our judicial system.

The legislation recommended for enactment is not of a character in which considerations of political or party advantage should enter, or are involved.

This fact will tend to make smooth your deliberations, and shorten the duration of a session from which the people have reason to expect decisive and highly beneficial results.

GEORGE STONEMAN, Governor.

Mr. Del Valle moved that ten thousand copies of the Governor's message be printed.

So ordered.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, July 22, 1886. }

To the Senate of the State of California:

GENTLEMEN: I have the honor to inform you that I have appointed J. J. Tobin my Private Secretary, by whom all communications will be transmitted from me to your honorable body.

GEORGE STONEMAN, Governor.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and ordered to the desk:

By Mr. Whitney: Senate Bill No. 10—An Act to provide for the formation of water districts and of irrigation districts, and for the preservation and distribution of the waters of the State for agricultural and other purposes.

Mr. Reddy asked leave to withdraw Senate Bill No. 3, introduced by him yesterday, and substitute the following.

So ordered.

By Mr. Reddy: Substitute for Senate Bill No. 3—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights.

At twelve o'clock and fifteen minutes p. m., Mr. Kellogg moved to adjourn until Monday, at two o'clock p. m.

Ayes and noes demanded on the motion by Senators Knight, Baldwin, and Filcher.

Roll called, and the motion lost by the following vote:

AYES—MESSRS. Boone, Chandler, Cox, Cross, Days, DeLong, Dougherty, Drum, Kellogg, Langford, Palmieri, Perry, Spencer of Napa, Taylor, Vrooman, and Whitney—16.

NOES—MESSRS. Baldwin, Creighton, Del Valle, Filcher, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Knight, Lowe, Lynch, Mahler, McClure, Parkinson, Reddy, Routier, Saxe, Wallis, and Wright—18.

At twelve o'clock and twenty-five minutes p. m. Mr. Filcher moved to adjourn.

Ayes and noes demanded by Senators Taylor, Wright, and Drum.

Pending roll call, leave of absence was granted as follows:

Senator Boone, three days; Senator Kellogg, three days; Senator Perry, three days; Senators Vrooman and Spencer of Napa, until Monday, at one o'clock and thirty minutes p. m., and indefinite leave to Senator Parker.

Roll called on the motion of Mr. Filcher, and the motion lost by the following vote:

AYES—MESSRS. Baldwin, Del Valle, Filcher, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Lynch, Mahler, McClure, Parkinson, Reddy, Routier, Saxe, and Wright—14.

NOES—MESSRS. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Dougherty, Drum, Kellogg, Knight, Langford, Lowe, Palmieri, Perry, Spencer of Napa, Taylor, Vrooman, Wallis, and Whitney—20.

RECESS.

The hour having arrived, at twelve o'clock and thirty minutes p. m., the Senate took a recess.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Knight, Langford, Lowe, Lynch, Mahler, McClure, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

APPOINTMENT OF COMMITTEES.

The President announced the appointment of the following committees:

COMMITTEE ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE (seven members)—Lynch, Chairman; Del Valle, Mahler, Parker, Wallis, Drum, and Parkinson.

COMMITTEE ON ENGROSSED BILLS (six members)—Filcher, Chairman; Cross, Mahler, Dougherty, Palmieri, and Routier.

COMMITTEE ON ENROLLED BILLS (six members)—Johnson of Sonoma, Chairman; Chandler, Langford, McClure, Wallis, and Parker.

COMMITTEE ON JUDICIARY (fifteen members)—Cross, Chairman; Taylor, Spencer of Napa, Reddy, Baldwin, Johnson of Sonoma, Vrooman, Kellogg, Lowe, McClure, Del Valle, Perry, Whitney, Days, and Boone.

COMMITTEE ON FINANCE (seven members)—Knight, Chairman; Cox, Kellogg, Days, DeLong, Johnson of San Bernardino, and Vrooman.

COMMITTEE ON RULES (five members)—Cross, Chairman; Del Valle, McClure, Johnson of Sonoma, and Whitney.

COMMITTEE ON PRINTING (five members)—Kellogg, Chairman; Steele, Boone, Kelly, and Baldwin.

RECESS.

At two o'clock and ten minutes P. M. Mr. Del Valle moved to take a recess for ten minutes.

So ordered.

REASSEMBLED.

At two o'clock and twenty minutes P. M. the Senate reassembled.

President Daggett in the chair.

The President announced the following:

COMMITTEE ON IRRIGATION AND WATER RIGHTS (eleven members)—Taylor, Chairman; Saxe, Reddy, Johnson of San Bernardino, Cross, Whitney, Foster, Del Valle, Wright, Lowe, and Spencer of Napa.

The following bills were referred to committees as follows:

Senate Bill No. 1—To Committee on Irrigation and Water Rights.

Senate Bill No. 2—To Committee on Judiciary.

Senate Bill No. 3—To Committee on Constitutional Amendments.

Senate Bill No. 4—To Committee on Constitutional Amendments.

Senate Bill No. 5—To Committee on Irrigation and Water Rights.

Senate Bill No. 6—To Committee on Irrigation and Water Rights.

Senate Bill No. 7—To Committee on Judiciary.

Senate Bill No. 8—To Committee on Judiciary.

Senate Bill No. 9—To Committee on Judiciary.

Senate Bill No. 10—To Committee on Irrigation and Water Rights.

RESOLUTION.

Mr. Mahler offered the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to receive and receipt for all warrants for the members and attachés of the Senate during the present session.

Adopted.

LEAVE OF ABSENCE.

Senator Palmieri was granted three days' leave of absence.

ADJOURNMENT.

At two o'clock and twenty-five minutes P. M. Mr. Lowe moved to adjourn until Monday, July twenty-sixth, at two o'clock P. M.

Ayes and noes demanded on the motion by Senators Filcher, Drum, and Lynch.

Roll called, with the following result:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Dougherty, Drum, Langford, Lowe, McClure, Parkinson, Saxe, Spencer of Napa, Taylor, Vrooman, Wallis, and Whitney—19.

NOES—Messrs. Baldwin, Del Valle, Filcher, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Knight, Lynch, Mahler, Reddy, and Routier—11.

Whereupon the President announced the Senate adjourned until Monday, July twenty-sixth, at two o'clock P. M.

IN SENATE.

SENATE CHAMBER,
Monday, July 26, 1886.)

The Senate met at two o'clock P. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Routier, Saxe, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Senators Reddy and Knight.

The President announced the appointment of Wm. Craig as Porter.

Journal of Thursday, July twenty-second, read and approved.

APPOINTMENT OF COMMITTEE.

The President announced the appointment of the following committee:

Committee on Constitutional Amendments (eleven members)—Kellogg, Chairman; McClure, Baldwin, Days, Dougherty, Whitney, Knight, Wallis, Drum, DeLong, and Johnson of Sonoma.

The following communication from Geo. F. Tuttle, Engrossing Clerk of the Senate, was read:

SACRAMENTO, July 26, 1886.

To Honorable Lieutenant-Governor Daggett, President of the Senate:

SIR: I hereby tender my resignation as Engrossing Clerk of the Senate.

GEO. F. TUTTLE.

Mr. McClure moved that the resignation be accepted, and that the Senate proceed to elect an Engrossing Clerk.

So ordered.

Mr. Lowe nominated G. W. Jackson.

The roll was called, with the following result:

For Jackson—Messrs. Baldwin, Boone, Chandler, Cox, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Lowe, Mahler, McClure, Palmieri, Parkinson, Routier, Saxe, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, Whitney, and Wright.

Whole number of votes cast.....	29
Necessary to a choice.....	15

Mr. G. W. Jackson, having received all the votes cast, was declared duly elected Engrossing Clerk of the Senate.

OATH OF OFFICE.

Mr. Jackson came forward and subscribed to the oath of office, administered by the President, as follows:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected, to the best of my ability, so help me God.

RESOLUTION—(OUT OF ORDER).

Mr. Routier offered the following:

Resolved, That Jas. W. Coffroth is hereby appointed Mailing Clerk of the Senate, with the same per diem as was allowed during the twenty-sixth regular session, to be paid out of the Contingent Fund of the Senate.

On motion of Mr. Lynch, the resolution was referred to the Committee on Contingent Expenses and Mileage.

PROTEST.

Mr. Del Valle presented a protest from the Council of the City of Los Angeles against the proposition to amend the Constitution of the State of California, so that water rates shall be fixed but once in three years, and shall be such as will yield a net return of at least seven per cent per annum upon amount invested in the construction and maintenance of the works.

Referred to Committee on Constitutional Amendments.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Days: Senate Bill No. 11—An Act to propose an amendment to Article XIV of the Constitution, by adding six sections thereto, in relation to water rights.

Referred to Committee on Constitutional Amendments.

By Mr. Saxe: Senate Bill No. 12—An Act to define riparian rights.

Referred to Committee on Irrigation and Water Rights.

By Mr. Cross: Senate Bill No. 13—An Act to provide for the acquiring by the State of California of properties for the purpose of applying water to irrigation and other beneficial uses.

Referred to Committee on Irrigation and Water Rights.

PETITIONS.

Mr. Cox presented petitions from citizens of Santa Clara, San Francisco, and Alameda, petitioning the Legislature to carefully consider all interests before passing any measures relating to irrigation and water rights, and against the passage of constitutional amendments guaranteeing to all water companies in the State at least seven per cent per annum net on their investment.

Also, against the proposition for the reorganization of the Supreme Court.

Also, petition from certain signers of the anti-riparian petition revoking their signatures.

Also, renouncing the call for the extra session of the Legislature, and the unwarranted attack upon our Supreme Court, and the taking of water without compensation to the riparian owner.

Referred to Committee on Irrigation and Water Rights.

RESOLUTION.

By Mr. Lynch:

Resolved, That all memorials and petitions be entered at large on the Journal, together with the aggregate number of names signed thereto.

Lost.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, July 26, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 1.

Also, passed Assembly Bill No. 1—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California during the thirty-eighth fiscal year.

FRANK D. RYAN, Chief Clerk.
ED. J. SMITH, Assistant Clerk.

Referred to Finance Committee.

ADJOURNMENT.

At two o'clock and thirty-five minutes P. M., on motion of Mr. McClure, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, July 27, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Vrooman, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

QUESTION OF PRIVILEGE.

Mr. Boone rose to a question of privilege, to reply to certain criticisms of the San Francisco Daily Evening Post of July 26, 1886, and offered the following resolution:

WHEREAS, The Daily Evening Post, a San Francisco newspaper, in its issue of July 26, 1886, published an article libelous in character, charging members of this Senate with having corruptly sold their votes in connection with the irrigation question for a pecuniary consideration; now, therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate be instructed to remove the reporter of the Daily Evening Post from the floor of this chamber, and to see that no reporter of said paper be allowed to report proceedings on this floor during the remainder of this session.

Mr. Cross offered the following, as a substitute:

Resolved, That the present reporter of the San Francisco Daily Evening Post be excluded from the Senate Chamber, during the present extra session of the Senate.

Substitute accepted by Mr. Boone.

Mr. Taylor offered the following as an amendment:

Resolved, That the Sergeant-at-Arms of the Senate be and hereby is instructed to remove the reporter of the San Francisco Daily Evening Post from the floor of the Senate, and to see that hereafter no reporter of said paper be allowed to report the proceedings on this floor during the remainder of this session.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Vrooman, the hour of recess was extended until the subject under discussion was disposed of.

Amendment of Mr. Taylor adopted.

Resolution, as amended, adopted.

PETITIONS.

Mr. Del Valle presented several petitions from citizens of Los Angeles County, and asked that they be read after recess.

So ordered.

REPORT OF STANDING COMMITTEE.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, July 27, 1886.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California during the thirty-eighth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BENJAMIN KNIGHT, Chairman.

RECESS.

The hour of recess having arrived, at twelve o'clock and thirty minutes p. m. the President declared a recess.

REASSEMBLED.

At two o'clock p. m. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

PETITIONS.

Petitions were presented by Senators Del Valle, Reddy, Parkinson, Routier, Cox, Lowe, Wright, and Hurlburt, relating to irrigation and water rights.

Referred to Committee on Irrigation and Water Rights.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Secretary E. F. Smith.

Indefinite leave of absence was granted to Mr. Chandler, on account of sickness.

REPORT OF COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, July 27, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage submit the following resolution:

Resolved, That the Chaplain of the Senate be allowed a per diem of six dollars, to be paid out of the Contingent Fund of the Senate.

Adopted.

Also:

Resolved, That James W. Coffroth be appointed Mailing Clerk of the Senate, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Also:

Resolved, That the salary of Joseph Pinkard, Mail Carrier, be fixed at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Also:

Resolved, That each Senator be allowed the sum of twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back amended, so as to read:

Resolved, That each Senator be allowed the sum of fifteen dollars for contingent expenses, payable out of the Contingent Fund of the Senate.

LYNCH, Chairman.

Resolution, as amended, adopted.

Also:

Having had under consideration the mileage of Senators, the Lieutenant-Governor, and officers of the Senate, beg leave to report that the following Senators, the Lieutenant-Governor, and officers of the Senate, are entitled to mileage under the Constitution and Political Code, as follows:

NAME.	Miles.	Amount.	NAME.	Miles.	Amount.
F. T. Baldwin.....	95	\$9 60	J. Lynch.....	168	\$16 80
J. L. Boone.....	168	16 80	H. Mahler.....	122	12 20
A. L. Chandler.....	76	7 60	D. McClure.....	168	16 80
F. Cox.....			E. Palmieri.....	168	16 80
D. J. Creighton.....	168	16 80	W. B. Parker.....	40	4 00
C. W. Cross.....	142	14 20	G. C. Parkinson.....	168	16 80
J. M. Days.....	168	16 80	G. H. Perry.....	168	16 80
F. C. DeLong.....	200	20 00	P. Reddy.....	632	63 20
K. F. Del Valle.....	956	95 60	J. Routier.....		
T. J. Dougherty.....	168	16 80	A. W. Saxe.....	256	25 60
E. F. Drum.....	168	16 80	D. Spencer of Napa.....	122	12 20
J. A. Filcher.....	74	7 40	George Steele.....	598	59 80
C. F. Foster.....	270	27 00	C. W. Taylor.....	354	35 40
B. G. Hurlburt.....	734	73 40	H. Vrooman.....	182	18 20
A. P. Johnson of San Bernardino.....	1,200	120 00	H. W. Wallis.....	222	22 20
G. A. Johnson of Sonoma.....	282	28 20	G. E. Whitney.....	182	18 20
M. Kelly.....	168	16 80	W. J. Wright.....	80	8 00
W. W. Kellogg.....	372	37 20	I. G. Messec, Sergeant-at-Arms.....	316	31 60
Benj. Knight.....	410	41 00	John Daggett, Lieut.-Governor.....	690	69 00
B. F. Langford.....	96	9 60	Ray Falk, Minute Clerk.....	168	16 80
J. R. Lowe.....	256	25 60			

And that the Controller be instructed to draw his warrants for the amounts above set forth in favor of said Senators, Lieutenant-Governor, and officers, on the Mileage Fund of the Senate.

LYNCH, Chairman.

Adopted.

PETITIONS.

Mr. Whitney presented a petition from citizens of Alameda County, pertaining to irrigation and water rights.

Referred to Committee on Irrigation and Water Rights.

INTRODUCTION OF BILL.

The following bill was introduced, read by title, and referred to committee:

By Mr. Cross: Senate Bill No. 14—An Act to amend section one thousand two hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to Committee on Judiciary.

FIRST READING OF BILL.

Assembly Bill No. 1—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California during the thirty-eighth fiscal year.

Read first time, and placed on file for second reading.

RESOLUTIONS.

Mr. Taylor presented the following:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to procure Room No. 41 of the Capitol Building for the use of the Senate Committee on Irrigation and Water Rights.

Adopted.

Also :

Resolved, That the State Printer be and is hereby instructed to have one thousand copies of the majority and minority decision of the Supreme Court of California, rendered in bank, in the case of *Lux et al. vs. Haggin et al.*, printed for the use of members of the Senate, the same to be printed in small pica type, leaded.

Adopted.

By Mr. Cross :

Resolved, That the Committee on Attachés, Mileage, and Contingent Expenses be instructed to ascertain and report to the Senate any expenses necessarily incurred by the President or members of the Senate (in excess of ordinary traveling expenses) incurred in reaching this extra session, which expenses were so incurred on account of not having timely notice of the calling of this session.

Adopted.

By Mr. Kellogg :

Resolved, That the per diem of the Assistant Minute Clerk, Assistant Journal Clerks, Assistant Enrolling Clerks, Assistant Engrossing Clerks, and the Clerk of the Sergeant-at-Arms, be and the same is hereby fixed at the same amount as is allowed to the clerks at the desk, the same to be paid out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also :

Resolved, That Rule 17 of this Senate be amended so as to read as follows :

17.

Attachés of Committees.

No committee, standing or special, shall elect a clerk or Sergeant-at-Arms, except that the Committees on Attachés, Contingent Expenses, and Mileage, on Irrigation and Water Rights, and Printing, shall each be entitled to one clerk, and the Committee on Judiciary and Constitutional Amendments to two clerks.

Referred to Committee on Rules.

Mr. Kellogg asked to be excused from serving as a member of the Committee on Printing.

Granted.

ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Mr. Drum, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Wednesday, July 28, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Cox, Creighton, Cross, Days, DeLong, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Steele, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Senator Johnson of San Bernardino and Senator Drum.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Hon. Benjamin Knight, President pro tem., in the chair.

PETITIONS AND MEMORIALS.

Mr. McClure presented two petitions from citizens of San Francisco, pertaining to irrigation and water rights.

Referred to Committee on Irrigation and Water Rights.

Also, a memorial from members of the Bar Association of San Francisco protesting against any interference with the Supreme Court by this Legislature.

Referred to Committee on Constitutional Amendments.

Senators Reddy, Parkinson, Wright, and Mahler presented petitions from citizens of their respective districts, pertaining to irrigation and water rights.

Referred to Committee on Irrigation and Water Rights.

Mr. Steele presented a memorial from citizens of the Third Senatorial District, respectfully demanding that justice be done the whole State of California in regard to the irrigation question; also, that in proposing amendments to the Constitution, to be submitted to the people, they be as follows: "That the waters of the State belong to the State, for the use of the people." Also, that no Chinese be employed on irrigation works.

Referred to Committee on Irrigation and Water Rights.

President Daggett in the chair.

INTRODUCTION OF BILL.

The following bill was introduced, read by title, and referred to committee:

By Mr. Reddy: Senate Bill No. 15—Proposed amendment to Article XIV of the Constitution, relating to the public waters of the State.

Referred to Committee on Constitutional Amendments.

SECOND READING OF BILLS.

Assembly Bill No. 1—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California during the thirty-eighth fiscal year.

Read second time, and ordered to third reading.

LEAVE OF ABSENCE.

One day's leave of absence was granted Ray Falk, Minute Clerk.

ADJOURNMENT.

At eleven o'clock and thirty-five minutes A. M., on motion of Mr. Lowe, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, July 29, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Cox, Creighton, Cross, Days, DeLong, Del Valle, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Routier, Saxe, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Senator Dougherty.
Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, July 29, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage beg leave to report as follows:

Resolved, That Richard Parker, Gatekeeper; John Shea, Porter; Hugh Lynch, Gatekeeper, be and they are hereby allowed three days' pay, from July twentieth to July twenty-third, at a per diem of four dollars, to be paid out of the Contingent Fund of the Senate.

Adopted.

Resolved, That M. DeVries be and he is hereby allowed two days' pay as Assistant Sergeant-at-Arms, from July twentieth to July twenty-second, at a per diem of six dollars, to be paid out of the Contingent Fund of the Senate.

Adopted.

Resolved, That Carter Jackson, Porter; Hank Jones, Gallery Porter; Edward Clark, Porter; Charles Connell, Watchman; Oscar Marshall, Watchman; Charles Robinson, Porter in Lieutenant Governor's room; John H. Farrell, Porter; Daniel Coghlan, Porter; J. Touhy, Watchman, be and they are hereby allowed two days' pay, from July twentieth to July twenty-second, at a per diem of four dollars, to be paid out of the Contingent Fund of the Senate.

Adopted.

Resolved, That Wm. Jobson, Page; F. Lascey, Page; James Longshore, Page, be and they are hereby allowed two days' pay, from July twentieth to July twenty-second, at a per diem of three dollars, to be paid out of the Contingent Fund of the Senate.

Adopted.

Resolved, That James W. Coffroth be and he is hereby allowed three days' pay as Page, from July twentieth to July twenty-third, at a per diem of three dollars, to be paid out of the Contingent Fund of the Senate.

Adopted.

Resolved, That William Craig be and he is hereby allowed six days' pay as Porter, from July twentieth to July twenty-seventh, at a per diem of four dollars, to be paid out of the Contingent Fund of the Senate.

Adopted.

Resolved, That Guy H. Salisbury, C. S. McMullan, and John McNulty be and they are hereby allowed two days' pay as Assistant Minute and Journal Clerks, from July twentieth to July twenty-second, at a per diem of eight dollars, to be paid out of the Contingent Fund of the Senate.

Adopted.

Resolved, That the Lieutenant-Governor be and he is hereby allowed fifteen dollars for contingent expenses, to be paid out of the Contingent Fund of the Senate.

LYNCH, Chairman.

Adopted.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, July 29, 1886.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 1—An Act concerning water in natural innavigable streams, and providing for the acquisition thereof by appropriation—have had the same under consideration, and respectfully report the same back, without recommendation, for the purpose of allowing the author to withdraw it and substitute another.

TAYLOR, Chairman.

Mr. Del Valle asked permission to withdraw Senate Bill No. 1.
Granted.

INTRODUCTION OF BILL.

The following bill was introduced, read by title, and referred to committee:
By Mr. Del Valle: Senate Bill No. 16—An Act concerning the ownership, appropriation, diversion, and use of waters in this State.

Referred to Committee on Irrigation and Water Rights.

THIRD READING OF BILL.

Assembly Bill No. 1—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California during the thirty-eighth fiscal year.

Read third time, and passed by the following vote:

AYES—MESSRS. Baldwin, Boone, Cox, Creighton, Days, DeLong, Del Valle, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Mahler, Palmieri, Parkinson, Perry, Routier, Saxe, Spencer of Napa, Steele, Wallis, Whitney, and Wright—29.

NOES—Messrs. Lynch, Taylor, and Vrooman—3.

RESOLUTIONS.

By Mr. Del Valle:

SENATE CONCURRENT RESOLUTION No. 2.

WHEREAS, There is now under consideration in the Senate of the United States a bill that has already passed the House of Representatives, for the establishment of a United States judicial district in Southern California; and whereas, the necessity for the estab-

lishment of such a judicial district is urgent, and the creation of the Court will be of great benefit to the business interests of the State; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators are hereby instructed and our Representatives are requested to use every effort to secure the passage of the bill. And the Governor of the State is hereby requested to immediately telegraph these resolutions to Senators Stanford and Hearst.

Mr. Del Valle moved to suspend the rules, and transmit the resolution to the Assembly.

So ordered.

By Mr. Boone:

CONCURRENT RESOLUTION No. 3.

WHEREAS, We, as a body, are aware of the great necessity which exists in a large portion of this State for a just and equitable system of irrigation that will equably distribute the waters of the State, so that the dry and unwatered sections shall be supplied with a proper share thereof for agricultural and other useful purposes; and whereas, it is apparent to the members of this legislative body that any extended legislation enacted at the present time on the subject of irrigation would be likely to result in the committal of the State to a policy that might result in great injury to large public and private interests; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That it is the sense of this Legislature that the best interests of the State will be subserved by limiting the action of this extra session to the submission to the people of the State of a constitutional amendment in relation to water rights and irrigation matters, and that the plans and details for inaugurating and carrying out such irrigation system or systems be left to the people and to subsequent legislative action.

Referred to Committee on Irrigation and Water Rights.

By request, Mr. Baldwin presented a petition and the following resolution:

WHEREAS, Charges have been made by David S. Terry, a citizen of California, that Robert F. Morrison, Chief Justice, and John R. Sharpstein, a Justice of the Supreme Court of California, have each, since his election, become, by reason of both mental and physical infirmity, unable to discharge the duties of his office; therefore,

Resolved, That a committee of five be appointed by the Chair to investigate said charges, and that a copy of the complaints be furnished to said Robert F. Morrison, Chief Justice, and John R. Sharpstein, a Justice of the Supreme Court of California.

On motion of Mr. Days the resolution and petition were referred to the Committee on Judiciary.

At eleven o'clock and twenty minutes A. M. Mr. Days moved to adjourn.

Ayes and noes demanded by Messrs. Del Valle, Drum, and Taylor.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Creighton, Days, Drum, Filcher, Lynch, Palmieri, Perry, Reddy, Spencer of Napa, Steele, Vrooman, Wallis, Whitney, and Wright—14.

NOES—Messrs. Baldwin, Boone, Cox, DeLong, Del Valle, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Mahler, Parkinson, Routier, Saxe, and Taylor—19.

Mr. Boone moved that Senate Concurrent Resolution No. 3 be withdrawn from the committee, and be now considered by the Senate.

Mr. Del Valle rose to a point of order, claiming that the motion of Mr. Boone was out of order.

The President declared the point well taken.

ADJOURNMENT.

At eleven o'clock and twenty-five minutes A. M. Mr. Drum moved to adjourn.

Ayes and noes demanded by Messrs. Taylor, Baldwin, and Drum.

The roll was called, and the motion carried by the following vote:

AYES—MESSRS. Boone, Cox, Creighton, Cross, Days, DeLong, Del Valle, Drum, Filcher, Hurlburt, Kellogg, Knight, Langford, Lynch, Palmieri, Perry, Reddy, Saxe, Spencer of Napa, Steele, Vrooman, Wallis, Whitney, and Wright—21.

NOES—MESSRS. Baldwin, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Lowe, Mahler, Parkinson, Routier, and Taylor—10.

Whereupon, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, July 30, 1886.)

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Baldwin, Boone, Cox, Creighton, Cross, Days, DeLong, Del Valle, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read.

On motion of Mr. Lynch, the minutes were corrected as regards the per diem of James W. Coffroth, which should read three dollars, instead of four dollars.

Journal approved.

PETITIONS.

Senators Parkinson, Whitney, Reddy, Saxe, McClure, Kellogg, Foster, and Lynch presented petitions from citizens of their respective districts, pertaining to irrigation and water rights.

Referred to Committee on Irrigation and Water Rights.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY—MAJORITY REPORT.

SENATE CHAMBER, July 30, 1886.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration the resolution offered by Senator Baldwin, concerning the appointment of a committee to investigate the charges preferred against Chief Justice Robert F. Morrison and Associate Justice John R. Sharpstein, and do now report the same back, with a substitute, and recommend the adoption of the substitute.

CROSS, Chairman.

SUBSTITUTE.

Resolved, That a special committee of five be appointed to inquire into the charges against two members of the Supreme Court of the State, brought to the notice of this Senate by Senator Baldwin, and to report whether, in their opinion, such charges require any action under the Constitution; and if so, report what action should be taken by the Senate, and the method of procedure, and said committee to have power to send for persons and papers, and all testimony necessary.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, July 30, 1886.

MR. PRESIDENT: The undersigned dissents from the report of the majority of the Committee on Judiciary upon the question submitted to the committee, and reports as follows: The question, and, as I understand it, the *only* question, submitted to the committee,

was this: "Should the Senate appoint a committee to investigate the charges preferred and presented by Hon. D. S. Terry, to this Senate, against the Chief Justice and one of the Associate Justices of the Supreme Court, and in accordance with the request contained in the resolution offered by Senator Baldwin, of San Joaquin?"

To this question I answer, "No," and for the reasons herein set forth:

I admit that the charges set forth in the complaint, as presented by Mr. Terry, are specific and sufficient in form. The section of the Constitution referred to, and the rules of the Senate, are silent as to the manner of procedure. So far as I can learn, no precedent has been established. If none has been established, one should be at this time.

I do not think that any unverified charge or charges, or complaint by any citizen, or any number of citizens, should be considered sufficient to authorize the Senate to take such action as is contemplated by the resolution referred to. The complaint should at least be verified to the extent as is required in a criminal action in a Justice's Court. Further, I think that in a case in which an official holding a judicial position is sought to be removed from office by *resolution*, the facts or evidence upon which the complainant bases the charges in his complaint should be fully and specifically set forth (duly verified) either in the complaint or in the papers accompanying the same, so that the Senators may determine whether the facts stated would warrant the Senate to proceed to an investigation.

In my opinion no official should be cited to appear before the Senate, or any committee of the Senate, on any charge which might result in his removal from office on any unverified charge or complaint, and no committee of investigation should be appointed by the Senate upon such unverified charges or complaint.

(Signed:)

W. W. KELLOGG.

Mr. Kellogg moved the adoption of the minority report.

The President announced that the first question in order would be to vote on the adoption or rejection of the majority report.

Mr. Cross moved that the whole matter be postponed, and made the special order for Monday, at two o'clock p. m., and if the Senate be not in session on that day, then on the first day thereafter when the Senate is in session.

So ordered.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, July 30, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the per diem of the Assistant Minute Clerk, Assistant Journal Clerks, Assistant Enrolling Clerks, Assistant Engrossing Clerks, and the Clerk of the Sergeant-at-Arms, be and the same is hereby fixed at the same amount as is allowed to the clerks at the desk, the same to be paid out of the Contingent Fund of the Senate—recommend the following amendment for adoption:

Resolved, That the per diem of the Assistant Minute Clerk, Assistant Journal Clerks, Assistant Engrossing Clerk, and the Clerk of the Sergeant-at-Arms, be and the same is hereby fixed at the same amount as is allowed to the clerks at the desk, to be paid out of the Contingent Fund of the Senate.

Resolution as amended, adopted.

Also, recommend the adoption of the following:

Resolved, That Joseph Pinkard be and he is hereby allowed two days' pay as Mail Carrier, from July twentieth to July twenty-second, at a per diem of four dollars, to be paid out of the Contingent Fund of the Senate.

LYNCH, Chairman.

Adopted.

LEAVE OF ABSENCE.

Mr. Knight was granted two days' leave of absence.

RESOLUTION.

By Mr. Baldwin:

Resolved, That Miss Mollie Scaniker be and is hereby appointed Assistant Engrossing Clerk, at a per diem to be fixed by the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

LEAVE OF ABSENCE.

Mr. Perry was granted indefinite leave of absence.

At eleven o'clock and fifty minutes A. M. Mr. McClure moved to adjourn until Monday, August second, at two o'clock P. M.

Ayes and noes demanded by Messrs. Days, Baldwin, and Johnson of San Bernardino.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boone, Cox, Creighton, Cross, Days, Drum, Hurlburt, Knight, Langford, McClure, Palmieri, Perry, Spencer of Napa, Vrooman, Wallis, and Whitney—16.

NOES—Messrs. Baldwin, DeLong, Del Valle, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Lowe, Lyneh, Mahler, Parkinson, Reddy, Routier, Saxe, Steele, Taylor, and Wright—18.

Mr. Boone asked leave of absence for two days.

Objection having been made, upon a division of the Senate it was refused—ayes, 10; noes, 17.

At eleven o'clock and fifty-five minutes A. M. Mr. Lowe moved to adjourn until Monday, August second, at two o'clock and thirty minutes P. M.

Mr. Lynch moved, as an amendment, that the Senate do now adjourn. Amendment lost.

The question recurring on the motion of Mr. Lowe, the ayes and noes were demanded by Messrs. Routier, Cox, and Drum.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boone, Cox, Creighton, Cross, Days, DeLong, Knight, Langford, Lowe, McClure, Palmieri, Parkinson, Perry, Spencer of Napa, Vrooman, Wallis, and Whitney—17.

NOES—Messrs. Baldwin, Del Valle, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Lynch, Mahler, Reddy, Routier, Saxe, Steele, Taylor, and Wright—18.

At eleven o'clock and fifty-eight minutes A. M. Mr. Taylor moved to adjourn.

Lost.

Mr. Parkinson asked leave of absence for two days.

Objection having been made, the ayes and noes were demanded by Messrs. Parkinson, Steele, and Lowe.

The roll was called, and permission granted by the following vote:

AYES—Messrs. Baldwin, Boone, Cox, Days, DeLong, Del Valle, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Lowe, McClure, Palmieri, Perry, Reddy, Routier, Steele, Whitney, and Wright—22.

NOES—Messrs. Creighton, Cross, Drum, Filcher, Langford, Lynch, Mahler, Saxe, Spencer of Napa, Taylor, Vrooman, and Wallis—12.

Mr. Cross moved to reconsider the vote whereby Senator Boone was refused two days' leave of absence.

Carried.

Ayes and noes demanded upon the original question, by Messrs. Kellogg, Mahler, and Vrooman.

The roll was called, and the request granted by the following vote:

AYES—Messrs. Baldwin, Boone, Cox, Creighton, Cross, Days, DeLong, Del Valle, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Lowe, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Spencer of Napa, Steele, Wallis, Whitney, and Wright—23.

NOES—Messrs. Drum, Filcher, Langford, Lyneh, Mahler, Saxe, Taylor, and Vrooman—8.

Mr. Del Valle moved to take up Assembly messages.

So ordered.

ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, July 30, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 2—Relative to the establishing of a United States District Court in Southern California.

F. D. RYAN, Chief Clerk.

Mr. Del Valle moved that the Secretary transmit the resolution immediately to the Governor.

So ordered.

At twelve o'clock and four minutes P. M. Mr. McClure moved to adjourn until Monday, August second, at three o'clock P. M.

Mr. Taylor moved, as an amendment, that the Senate do now adjourn.

Amendment lost.

The question recurring on the motion of Mr. McClure, the ayes and noes were demanded by Messrs. Lynch, Drum, and Baldwin.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Boone, Cox, Creighton, Cross, Days, DeLong, Drum, Kelly, Kellogg, Knight, Langford, Lowe, McClure, Palmieri, Parkinson, Perry, Spencer of Napa, Vrooman, Wallis, Whitney, and Wright—22.

NOES—Messrs. Del Valle, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Lynch, Mahler, Reddy, Routier, Saxe, Steele, and Taylor—13.

The President announced the appointment of Senator Mahler as Chairman of the Committee on Printing, vice Mr. Kellogg, resigned.

At twelve o'clock and twenty-four minutes P. M. Mr. Taylor moved to adjourn.

Mr. Spencer of Napa asked for two days' leave of absence.

RECESS.

Pending debate on Mr. Spencer's request for leave of absence, the hour of recess having arrived, at twelve o'clock and thirty minutes P. M. the President declared a recess.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boone, Cox, Days, DeLong, Del Valle, Drum, Filcher, Foster, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lynch, Mahler, McClure, Parkinson, Perry, Reddy, Routier, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, and Wright.

Quorum present.

Mr. Spencer of Napa withdrew his request for leave of absence.

ADJOURNMENT.

At two o'clock and five minutes P. M. Mr. McClure moved to adjourn until Monday, August second, at two o'clock and forty-five minutes P. M.

LEAVE OF ABSENCE.

Mr. Palmieri was granted one day's leave of absence.

The ayes and noes were demanded on the motion of Mr. McClure, by Messrs. Drum, Reddy, and Del Valle.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Boone, Cox, Creighton, Days, DeLong, Drum, Johnson of San Bernardino, Kelly, Kellogg, Knight, Langford, McClure, Parkinson, Perry, Routier, Spencer of Napa, Steele, Vrooman, Wallis, and Wright—20.

NOES—Messrs. Del Valle, Filcher, Johnson of Sonoma, Lynch, Mahler, Reddy, and Taylor—7.

Whereupon, the President declared the Senate adjourned until Monday, August second, at two o'clock and forty-five minutes P. M.

IN SENATE.

SENATE CHAMBER,
Monday, August 2, 1886. }

The Senate met at two o'clock and forty-five minutes P. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of Sonoma, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Steele, Taylor, Vrooman, Wallis, and Whitney.

Quorum present.

Prayer by the Chaplain.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Senators Johnson of San Bernardino, Spencer of Napa, and Kelly.

Journal of Friday, July thirtieth, was read and approved.

SPECIAL ORDER.

Mr. McClure moved that the special order for this hour be postponed until Thursday, August 5, 1886, at three o'clock P. M.

Mr. Lynch moved to amend, so as to read "Wednesday, August 4, 1886," at three o'clock P. M.

Amendment lost.

The question recurring on the original motion, the same was carried.

PETITIONS.

Senators Parkinson, Chandler, Cox, and Whitney presented petitions from citizens of their respective districts, pertaining to irrigation and water rights.

Referred to Committee on Irrigation and Water Rights.

Mr. Lynch moved that the report of the Committee on Attachés, Contingent Expenses, and Mileage, appearing on page two of the Journal of Friday, July 30, 1886, be re-referred to said committee for action.

So ordered.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Senators Cross and Kellogg, and to Ray Falk, Minute Clerk.

RECESS.

At three o'clock and five minutes P. M. Mr. McClure moved to take a recess for fifteen minutes.

Objection having been raised, the motion was withdrawn.

At three o'clock and seven minutes P. M. Mr. Del Valle renewed the motion to take a recess for fifteen minutes.

So ordered.

REASSEMBLED.

At four o'clock and forty minutes P. M. the Senate reassembled.

President Daggett in the chair.

Mr. Del Valle moved to adjourn until nine o'clock P. M.

Mr. Boone moved to amend, to meet at one o'clock A. M., Tuesday.

The President announced that under the rules the shortest time would be voted upon first.

The ayes and noes were demanded by Senators Parkinson, Boone, and Days.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of Sonoma, Lynch, Mahler, and Taylor—11.

NOES—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Lowe, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Steele, Wallis, and Whitney—16.

At four o'clock and fifty-six minutes P. M. Mr. Boone renewed his motion to adjourn until twelve o'clock and thirty minutes A. M., Tuesday, August 3, 1886.

Mr. Lynch moved a call of the Senate.

The ayes and noes were demanded by Senators Filcher, Taylor, and Lynch.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of Sonoma, Lynch, Mahler, and Taylor—11.

NOES—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Lowe, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Steele, Wallis, and Whitney—16.

At four o'clock and fifty-five minutes P. M. Mr. Drum moved to adjourn.

The ayes and noes were demanded by Senators Drum, Taylor, and Lynch.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of Sonoma, Lynch, Mahler, and Taylor—11.

NOES—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Lowe, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Steele, Wallis, and Whitney—16.

Mr. Lynch moved a call of the Senate.

The ayes and noes were demanded by Senators Taylor, Lynch, and Creighton.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Lynch, Mahler, and Taylor—10.

NOES—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Johnson of Sonoma, Lowe, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Steele, Wallis, and Whitney—17.

ADJOURNMENT.

The question recurring on the motion of Mr. Boone to adjourn until twelve o'clock and thirty minutes A. M., Tuesday, August 3, 1886, it was carried.

Whereupon, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, August 3, 1886. }

The Senate met at twelve o'clock and thirty minutes A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Routier, Saxe, Steele, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Senators Cross, Kelly, Kellogg, Knight, Reddy, and Spencer of Napa.

RESOLUTION—(OUT OF ORDER).

Mr. McClure offered the following :

Resolved, That the Senate now proceed to ballot for a Senator in Congress, to fill the vacancy caused by the death of the Hon. John F. Miller, which vacancy has since been temporarily filled by appointment by the Executive of this State.

Adopted.

The President of the Senate directed the Secretary to read the Act of Congress, as follows :

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who received a majority of the whole number of votes cast in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either House fails to give such majority

to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The President announced that nominations were now in order for a United States Senator in Congress, to fill the vacancy occasioned by the death of Hon. John F. Miller, which vacancy has since been temporarily filled by appointment by the Executive of this State.

Mr. Whitney nominated Mr. A. P. Williams.

Mr. Johnson of Sonoma nominated Hon. George Hearst.

The President declared the nominations closed, and, in accordance with the requirements of the section of the Act above quoted, the Secretary called the roll of the Senate, and each Senator announced the name of the person for whom he voted, as follows:

For Williams—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Johnson of San Bernardino, Lowe, McClure, Palmieri, Parkinson, Perry, Routier, Saxe, Steele, Vrooman, Wallis, Whitney, and Wright.

For Hearst—Messrs. Baldwin, Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of Sonoma, Langford, Lynch, Mahler, and Taylor.

Whole number of votes cast.....	31
Mr. A. P. Williams received.....	18
Hon. George Hearst received.....	13

RESOLUTIONS.

By Mr. McClure:

Resolved, That the Secretary of the Senate report forthwith to the Assembly the action taken by the Senate concerning the election of a United States Senator to fill the vacancy caused by the death of Hon. John F. Miller, which vacancy has been since temporarily filled by appointment by the Executive of this State.

Adopted.

Also:

Resolved, That the Secretary of the Senate be instructed to inform the Assembly that the Senate will meet it in joint convention at twelve o'clock meridian to-morrow.

Adopted.

ADJOURNMENT.

At one o'clock A. M., on motion of Mr. McClure, the Senate adjourned until Wednesday, August fourth, at eleven o'clock and thirty minutes A. M.

IN SENATE.

SENATE CHAMBER,
Wednesday, August 4, 1886. }

The Senate met at eleven o'clock and fifty-five minutes A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Del Valle, Drum, Foster, Hurlburt, Johnson of Sonoma, Kelly, Kellogg, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Taylor, Vrooman, Wallis, and Wright.

Quorum present.

Prayer by the Chaplain.

Mr. Wright moved to take up Assembly messages.

So ordered.

ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, August 3, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution, viz.:

Resolved, That the Clerk forthwith inform the Senate of the vote for United States Senator in this House, to fill the vacancy caused by the death of Hon. John F. Miller, which said vacancy has been temporarily filled by appointment by the Executive of this State, and that the Senate be requested to meet in this Assembly Chamber to-morrow, August 4, 1886, in joint assembly, for the purpose of electing, or declaring the election, of a United States Senator, pursuant to the revised statutes of the United States.

FRANK D. RYAN, Chief Clerk.

Journal of Tuesday, August 3, 1886, partially read, and, on motion of Mr. Boone, the further reading of the Journal was dispensed with, and the Journal approved.

At eleven o'clock and fifty-eight minutes A. M., on motion of Mr. McClure, the Senate proceeded to meet the House in joint assembly, for the election of a United States Senator.

IN JOINT ASSEMBLY.

Wednesday, August 4, 1886, at twelve o'clock meridian, pursuant to an Act of Congress, entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, the Senate and Assembly met in joint assembly.

Hon. John Daggett, Lieutenant-Governor and President of the Senate, in conjunction with the Hon. W. H. Parks, Speaker of the Assembly, presiding.

The roll of the Senate was called by the Secretary, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Drum, Foster, Hurlburt, Johnson of Sonoma, Kelly, Kellogg, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, and Wright.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members responded to their names:

Messrs. Allen, Ashe, Barnes, Britt, Carter of Contra Costa, Carter of Solano, Colby, Cook, Culver, Davis, Deveny, DeWitt, Dooling, Douglas, Ellison, Firebaugh, Franklin, French, Gouher, Gregory, Hazard, Heath, Henley, Henry, Heywood, Hollister, Hunt, Hussey,

Jones, Jordan, Long, Loud, Lovell, May, McDonald, McGlashan, McJunkin, McLean, McMurray, Mears, Munday, Patterson, Pellet, Porter, Pyle, Reeves, Sullivan, Swayne, Van Voorhies, Walrath, Watson of Alameda, Watson of El Dorado, Ward of Butte, Ward of San Francisco, Whitcomb, Wood, Woodward, Yule, and Mr. Speaker.

The President of the Senate directed the Secretary of the Senate to read the Act of Congress, requiring a joint assembly to be held this day, as follows:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who received a majority of the whole number of votes cast in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate read from the Journal of the Senate so much of the proceedings of Tuesday, the third instant—the same being the second Tuesday after the organization of the twenty-sixth (extra) session of the Legislature—as relates to a ballot for the election of a United States Senator in Congress, to fill the vacancy occasioned by the death of Hon. John F. Miller, which vacancy has since been temporarily filled by appointment by the Executive of this State, whereby it appears that thirty-one Senators were present and voted, each his choice, and that A. P. Williams received eighteen votes, and the Hon. George Hearst received thirteen votes.

The Chief Clerk of the Assembly read so much of the Journal of the Assembly as related to the proceedings of that body, in regard to the election of a United States Senator in Congress, held in accordance with an Act of Congress above referred to, and it appeared that sixty-three members of the Assembly were present, and each voted for his choice, and A. P. Williams received fifty-two votes, a majority of all the votes cast, and Hon. George Hearst received eleven votes.

The President of the Senate then announced the result of the ballot as follows:

Whole number of votes cast.....	94
Necessary to a choice.....	48
Mr. A. P. Williams received	70
Hon. George Hearst received.....	24

And declared that Mr. A. P. Williams, having received a majority of the votes cast by the members of both Houses, is the choice of the Legislature of the State of California for United States Senator in Congress, to fill the vacancy occasioned by the death of Hon. John F. Miller, which vacancy has since been temporarily filled by appointment by the Executive of this State.

Mr. McClure moved that the minutes of the proceedings in the Joint Assembly be read.

So ordered; and minutes approved.

At twelve o'clock and twenty minutes P. M. the President of the Senate announced that both Houses, having performed their duties regarding the election of a United States Senator, are now dissolved.

JOHN DAGGETT,
President of the Senate.
W. H. PARKS,
Speaker of the Assembly.

REASSEMBLED.

At twelve o'clock and twenty-five minutes P. M. the Senate reassembled. President Daggett in the chair.

ADJOURNMENT.

At twelve o'clock and twenty-six minutes P. M., on motion of Mr. Perry, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Thursday, August 5, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

MESSES. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Foster, Hurlburt, Johnson of Sonoma, Kelly, Kellogg, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, and Wright.

Quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Two days' leave of absence was granted to Senator Knight.

Four days' leave of absence was granted to Senator Vrooman.

One day's leave of absence was granted to Senators Langford and Baldwin.

PETITIONS.

Senators Johnson of Sonoma and Routier presented petitions from citizens of their respective districts, pertaining to irrigation and water rights. Referred to Committee on Irrigation and Water Rights.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, August 5, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was re-referred the resolution adopted by the Senate on the thirtieth of July, 1886, relative to per diem of officers of the Senate, recommend the following resolution, to which is annexed the original report of the committee:

Resolved, That Miss Josie B. Wolfskill, Assistant Engrossing Clerk, be allowed a per diem from date of appointment, until August fifth, of eight dollars, and that thereafter she be allowed a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Also, the following resolution was referred to your committee:

Resolved, That Miss Mollie Scaniker be and is hereby appointed Assistant Engrossing Clerk, at a per diem to be fixed by the Senate.

Recommend the following amendment for adoption:

Resolved, That Miss Mollie Scaniker be and she is hereby appointed Assistant Engrossing Clerk, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, August 2, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage submit the following resolution, and recommend its adoption:

Resolved, That the Controller be instructed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for ten dollars for Post Office box for use of Senate.

LYNCH, Chairman.

Adopted.

INTRODUCTION OF BILL.

The following bill was introduced, read by title, and referred to committee:

By Mr. McClure: Senate Bill No. 17—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to the Legislative Department.

Referred to Committee on Constitutional Amendments.

RESOLUTIONS.

By Mr. Boone:

Resolved, That in the death of Samuel J. Tilden we recognize the loss of an able and respected American citizen; one of the few who possessed the qualities of a great party leader, and one whose life has left an impress on the political and social condition of our country.

Mr. Johnson of Sonoma offered the following substitute:

Resolved, That in the death of Samuel J. Tilden the country has lost one of its ablest and most distinguished citizens; and that when the Senate adjourns to-day, it adjourn out of respect to his memory.

Substitute adopted.

By Mr. Cross :

Resolved, That all committees of the Senate be instructed to report on next Tuesday all bills referred to them.

Adopted.

By Mr. McClure :

Resolved, That the office of Enrolling Clerk be declared vacant.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
By Mr. Taylor :

Resolved, That the Clerk of the Committee on Irrigation and Water Rights be and is hereby allowed, from date of appointment, the same per diem as the Clerks of Committee on Judiciary.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
At eleven o'clock and forty minutes A. M. Mr. McClure moved to adjourn.
Ayes and noes demanded by Senators Lowe, Taylor, and Steele.
The roll was called, and the motion lost by the following vote :

AYES—Messrs. Boone, Creighton, Del Valle, Hurlburt, Kellogg, Lynch, Palmieri, Saxe, Spencer of Napa, Steele, Taylor, and Wallis—12.

NOES—Messrs. Chandler, Cox, Cross, DeLong, Dougherty, Drum, Foster, Johnson of Sonoma, Kelly, Lowe, Mahler, Parker, Parkinson, Perry, Reddy, Routier, and Wright—17.

Mr. Cross rose to a question of privilege.

At eleven o'clock and fifty minutes A. M. Mr. Kellogg moved to adjourn.
Motion lost, on a division of the Senate, by a vote of eleven to thirteen.
Mr. McClure rose to a question of privilege.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes A. M. Mr. McClure moved to adjourn.

Motion carried, on a division of the Senate—twelve to nine.

Whereupon the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, August 6, 1886. }

The Senate met at eleven o'clock A. M.

In the absence of the President and President pro tem., the Secretary called the Senate to order.

On motion, Senator Johnson of Sonoma was called to the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Drum, Filcher, Foster, Hurlburt, Johnson of Sonoma, Kelly, Kellogg, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, and Whitney.

Quorum present.

Prayer by the Rev. Thomas Filben.

PETITIONS.

Mr. Lowe moved that the petitions presented to the Senate before the appointment of committees be now referred to the Committee on Irrigation and Water Rights.

So ordered.

LEAVE OF ABSENCE.

Mr. McClure was granted two days' leave of absence.

Mr. Parker was granted indefinite leave of absence.

Journal of yesterday read and approved.

INTRODUCTION OF BILL.

The following bill was introduced, read by title, and referred to committee:

By Mr. Kellogg: Senate Bill No. 18—An Act to propose to the people of the State of California an amendment to the Constitution of the State, relative to the waters of the State.

Referred to the Committee on Constitutional Amendments.

Mr. Del Valle moved that the special order set for yesterday, at three o'clock p. m., be made the special order for next Monday, at two o'clock and thirty minutes p. m.

So ordered.

At eleven o'clock and fifteen minutes A. M., Mr. Boone moved to adjourn until Monday, August 9, 1886, at two o'clock and thirty minutes P. M.

REPORT OF STANDING COMMITTEE.

ON IRRIGATION AND WATER RIGHTS—MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, August 6, 1886.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 16—"An Act concerning the ownership, appropriation, diversion, and use of waters in this State"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

TAYLOR, Chairman.

MINORITY REPORT.

MR. PRESIDENT: We, the undersigned members of the Irrigation Committee, most respectfully dissent from the majority report of that committee, recommending the passage of Senate Bill No. 16—An Act concerning the ownership, appropriation, diversion, and use of waters in this State—and recommend that the same do not pass.

CLAY W. TAYLOR.
A. W. SAXE.
DENNIS SPENCER.

Mr. Boone renewed his motion to adjourn.

Ayes and noes demanded by Senators Taylor, Drum, and Boone.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Boone, DeLong, Foster, Johnson of Sonoma, Kelly, Palmieri, Routier, Spencer of Napa, and Wallis—10.

NOES—Messrs. Chandler, Cox, Creighton, Cross, Days, Del Valle, Drum, Filcher, Hurlburt, Kellogg, Lowe, Lynch, Mahler, Parkinson, Reddy, Saxe, Steele, Taylor, and Wright—20.

LEAVE OF ABSENCE.

Two days' leave of absence was granted to Senators Boone and Langford.

Senator DeLong was granted leave of absence until Tuesday noon, August tenth.

At eleven o'clock and twenty minutes A. M. Mr. Cross moved to adjourn. Ayes and noes demanded by Senators Cross, Lowe, and Parkinson. The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Filcher, Kelly, Kellogg, Spencer of Napa, Steele, Taylor, and Wallis—7.
 NOES—MESSRS. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Drum, Foster, Hurlburt, Johnson of Sonoma, Lowe, Mahler, Palmieri, Parkinson, Reddy, Routier, Saxe, and Wright—21.

Mr. Cross moved that Mr. Hudnut be invited to address the Senate on the question of irrigation.

Mr. McClure moved to amend, by striking out the name "Hudnut" and inserting in lieu thereof, the name of "Spencer of Napa."

Mr. Taylor moved to add the name of "Fowler."

Mr. McClure moved to indefinitely postpone the subject.

Mr. Cross withdrew his motion.

ADJOURNMENT.

At eleven o'clock and fifty minutes A. M., on motion of Mr. Saxe, the Senate adjourned until Monday, August 9, 1886, at two o'clock and thirty minutes P. M.

IN SENATE.

SENATE CHAMBER,
 Monday, August 9, 1886. }

The Senate met at two o'clock and thirty minutes P. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Baldwin, Cox, Creighton, Cross, Days, DeLong, Del Valle, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, McClure, Parkinson, Reddy, Routier, Saxe, Steele, Taylor, Whitney, and Wright.

Quorum present.

Prayer by Rev. T. C. Warner, D.D., of Chattanooga, Tennessee.

Journal of Friday, August sixth, read, corrected, and approved.

Mr. Baldwin moved to postpone the consideration of the special order set for two o'clock and thirty minutes P. M. to-day, and that it be made the special order for Thursday, August 12, 1886, at two o'clock P. M.

So ordered.

REPORT OF STANDING COMMITTEES.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, August 9, 1886.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 12—"An Act to define riparian rights"—have had the same under consideration, and respectfully report the same back, as amended, and recommend its passage.

Also, Senate Concurrent Resolution No. 3—"Relative to limiting the action of the extra session of the Legislature to the submission of a constitutional amendment, relative to water rights"—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 5—"An Act to declare the title to water in rivers, streams, lakes, and ponds, and the right to its use."

Also, Senate Bill No. 6—"An Act concerning common carriers of water, and to define their duties."

Also, Senate Bill No. 10—"An Act to provide for the formation of water districts and of irrigation districts, and for the preservation and distribution of the waters of the State for agricultural and other purposes."

Also, Senate Bill No. 13—"An Act to provide for the acquiring by the State of California of properties for the purpose of applying water to irrigation and other beneficial uses."

Have had the same under consideration, and respectfully report the same back, without recommendation.

TAYLOR, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, August 9, 1886.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Bill No. 3—"An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights"—have had the same under consideration, and report the same back, without recommendation.

Also, Senate Bill No. 4—"An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights"—have had the same under consideration, and report the same back, without recommendation.

Also, Senate Bill No. 15—"An Act to propose to the people of the State of California an amendment to the Constitution of the State, relative to the public waters of the State."

Also, Senate Bill No. 11—"An Act to propose an amendment to Article XIV of the Constitution, by adding six sections thereto, in relation to water rights."

Also, Senate Bill No. 17—"An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to the Legislative Department."

Also, Senate Bill No. 18—"An Act to propose to the people of the State of California an amendment to the Constitution of the State, relative to the waters of the State."

Have had the same under consideration, and report the same back, without recommendation.

KELLOGG, Chairman.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and ordered to the file:

By Mr. Days: Senate Bill No. 19—"An Act to propose an amendment to Article XIV of the State Constitution, by adding thereto sections three, four, five, six, and seven, in relation to water rights."

Also, Senate Bill No. 20—"An Act to propose an amendment to Article XIV of the State Constitution, by adding thereto sections three, four, five, and six, in relation to water rights."

Ordered to the file.

FIRST READING OF BILL.

Senate Bill No. 16—"An Act concerning the ownership, appropriation, diversion, and use of waters in this State."

Read first time, and placed on file for second reading.

RESOLUTIONS.

Mr. Days introduced a resolution, relating to that part of the Governor's proclamation respecting riparian ownership.

Referred to Committee on Judiciary.

Mr. Whitney offered the following resolution:

Resolved, That the Assistant Secretaries, Assistant Minute Clerk, Journal Clerk, and Assistant Journal Clerks, be and they are hereby allowed their mileage, the same to be paid out of the Contingent Fund of the Senate.

Referred to Committee on Attaches, Contingent Expenses, and Mileage.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Senators Mahler, Baldwin, Chandler, and Palmieri.

Two days' leave of absence was granted to Senator Vrooman.

ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Mr. McClure, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, August 10, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Boone, Cox, Creighton, Days, Del Valle, Druni, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Rev. E. R. Dille.

LEAVE OF ABSENCE.

Mr. Johnson of Sonoma was granted two days' leave of absence.

Mr. Cross was granted indefinite leave of absence.

Journal of yesterday read and approved.

CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Langford: Senate Concurrent Resolution No. 4:

Resolved by the Senate, the Assembly concurring, That the Secretary of State be and he is hereby authorized and instructed to immediately decorate the approaches to the Capitol grounds, the Capitol grounds, and the Capitol building, with appropriate flags and Grand Army decorations, at an expense not to exceed the sum of five hundred dollars, and that the expense thereof be paid out of the Contingent Funds of the Senate and Assembly.

Adopted.

Mr. Whitney moved that the Secretary immediately transmit the resolution to the Assembly.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, August 9, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

"That the Clerk of the Committee on Irrigation and Water Rights be and is hereby allowed, from date of appointment, the same per diem as the Clerks of Committee on Judiciary."

Have had the same under consideration, and respectfully report the same back, without recommendation.

Resolution adopted.

Also, the following:

"That the office of Enrolling Clerk be declared vacant."

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Resolution lost.

Also, the following:

"That the Controller be and he is hereby authorized and directed to draw his warrant in favor of T. L. Thompson, Secretary of State, for one hundred and fifty-six dollars and five cents (\$156 05), payable out of the Contingent Fund of the Senate."

This debt was incurred in preparing the Senate Chamber and adjacent rooms for the reception of the Senate.

LYNCH, Chairman.

Ayes and noes demanded by Senators Knight, Johnson of San Bernardino, and Kellogg.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boone, Cox, Creighton, Days, DeLong, Del Valle, Drum, Kellogg, Knight, Lynch, Mahler, Parkinson, Routier, Saxe, and Wright—15.

NOES—Messrs. Filcher, Foster, Hurlburt, Johnson of San Bernardino, Kelly, Lowe, Parker, Perry, Steele, Taylor, and Whitney—11.

Also, the following:

"That the Assistant Secretaries, Assistant Minute Clerk, Journal Clerk, Assistant Journal Clerks, and Postmistress, be and they are hereby allowed their mileage, the same to be paid out of the Contingent Fund of the Senate."

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

LYNCH, Chairman.

Mr. DeLong moved to amend, by adding the word "Postmistress."

So ordered.

Ayes and noes demanded by Senators Lynch, Foster, and Parkinson.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boone, Cox, Creighton, Days, DeLong, Drum, Kelly, Kellogg, Knight, Lowe, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright—20.

NOES—Messrs. Del Valle, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Lynch, Mahler, Parker, and Parkinson—9.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, August 10, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 4—Relative to decorating the State Capitol grounds and building on August 11, 1886.

FRANK D. RYAN, Clerk.

MEMORIAL.

Mr. Cox presented a memorial from citizens of Kern County, submitting their sentiments on the water question.

Referred to the Committee on Irrigation and Water Rights.

INTRODUCTION OF BILL.

The following bill was introduced, read by title, and referred to committee:

By Mr. Days: Senate Bill No. 21—An Act amending Section 1, of Article XIII, of the Constitution.

Referred to the Committee on Constitutional Amendments.

CONCURRENT RESOLUTION No. 5—(OUT OF ORDER).

Mr. Speneer of Napa offered the following concurrent resolution:

Resolved by the Senate, the Assembly concurring, That this Legislature adjourn *sine die* at twelve o'clock and twenty minutes P. M., on Thursday, August 12, 1886.

At twelve o'clock and twenty-six minutes P. M. Mr. Del Valle moved that the hour of recess be extended until the question under discussion be disposed of.

So ordered.

Mr. Del Valle moved that the resolution introduced by Mr. Speneer be made the special order for Thursday, August twelfth, at three o'clock P. M.

So ordered.

RECESS.

At one o'clock P. M. the President declared a recess.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Boone, Chandler, Cox, Creighton, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Boone:

Resolved, That a committee of three be appointed by the President of the Senate to cooperate with a like committee already appointed in the Assembly, to aid in entertaining the members of the Grand Army of the Republic who shall visit Sacramento on the eleventh instant.

Adopted.

By Mr. Drum:

Resolved, That the Assistant Sergeant-at-Arms, Clerk of Sergeant-at-Arms, Gatekeepers, Watchmen, Porters, Mailing Clerk, and Pages, be and they are hereby allowed mileage, the same to be paid out of the Contingent Fund of the Senate.

Mr. Lynch moved the adoption of the resolution.

Mr. Taylor moved to refer the resolution to the Committee on Attachés, Contingent Expenses, and Mileage.

Mr. Steele moved that the resolution be laid on the table.

So ordered.

FIRST READING OF BILLS.

Senate Bill No. 12—An Act to define riparian rights.

Read first time, and placed on file for second reading.

Senate Bill No. 13—An Act to provide for the acquiring by the State of California of properties for the purpose of applying water to irrigation and other beneficial uses.

Read first time, and placed on file for second reading.

Senate Bill No. 5—An Act to declare the title to water in rivers, streams, lakes, and ponds, and the right to its use.

Read first time, and placed on file for second reading.

Senate Bill No. 6—An Act concerning common carriers of water, and to define their duties.

Read first time, and placed on file for second reading.

Senate Bill No. 10—An Act to provide for the formation of water districts and of irrigation districts, and for the preservation and distribution of the waters of the State for agricultural and other purposes.

On motion of Mr. Whitney, Senate Bill No. 10 was passed on the file.

Senate Bill No. 3—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights.

Read first time, and placed on file for second reading.

Senate Bill No. 4—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights.

Read first time, and placed on file for second reading.

Senate Bill No. 11—An Act to propose an amendment to Article XIV of the Constitution, by adding six sections thereto, in relation to water rights.

Read first time, and placed on file for second reading.

Senate Bill No. 15—Proposed amendment to Article XIV of the Constitution, relating to the public waters of the State.

Read first time, and placed on file for second reading.

Senate Bill No. 17—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to the Legislative Department.

Read first time, and placed on file for second reading.

Senate Bill No. 18—An Act to propose to the people of the State of California an amendment to the Constitution of the State, relative to the waters of the State.

Read first time, and placed on file for second reading.

Senate Concurrent Resolution No. 3—Relative to limiting the action of the twenty-sixth (extra) session of the Legislature to the submission of a constitutional amendment, relative to water rights.

Mr. Boone moved to amend, by adding, after the word "amendment," in section two, line four, the words "permitting special legislation."

So ordered.

Ayes and noes demanded on the adoption of the resolution, by Senators Kellogg, Steele, and Boone.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Boone, Chandler, Cox, DeLong, Drum, Langford, and Perry—7.

NOES—Messrs. Days, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Kellogg, Knight, Lowe, Mahler, Parker, Parkinson, Reddy, Saxe, Steele, Taylor, Wallis, Whitney, and Wright—15.

Senate Bill No. 19—An Act to propose an amendment to Article XIV of the State Constitution, by adding thereto sections three, four, five, six, and seven, in relation to water rights.

Read first time, and placed on file for second reading.

Senate Bill No. 20—An Act to propose an amendment to Article XIV of

the State Constitution, by adding thereto sections three, four, five, and six, in relation to water rights.

Read first time, and placed on file for second reading.

SECOND READING OF BILL.

Senate Bill No. 16—An Act concerning the ownership, appropriation, diversion, and use of waters in this State.

Read second time, and committee amendment, as follows, adopted: Amend by adding after the word "appropriated," in section one, line seven, of printed bill, the words "or other beneficial uses."

Mr. Boone moved to amend, as follows: Amend section one by inserting, after the word "waters," in line three, the following: "except the waters of navigable streams and tributaries."

Ayes and noes demanded on the adoption of the amendment, by Senators Cox, Boone, and Wallis.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, DeLong, Dougherty, Drum, Kelly, Lynch, Palmieri, Parker, Perry, Saxe, Spencer of Napa, and Taylor—15.

NOES—Messrs. Del Valle, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Kellogg, Knight, Lowe, Mahler, McClure, Parkinson, Reddy, Routier, Steele, Wallis, Whitney, and Wright—17.

Mr. Boone moved to amend, by striking out the following, on lines four and five, section one: "*provided*, that navigation in navigable streams, under the control of the United States, shall not be impaired and."

Amendment lost.

Mr. Reddy moved to amend section one, by adding, at the end thereto, the following:

The English common law of riparian rights, so far as it conflicts with this Act, shall not be recognized as a rule of decision in any of the Courts of this State.

Ayes and noes demanded on the adoption of the amendment, by Senators Cox, Creighton, and Spencer.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Filcher, Foster, Hurlburt, Johnson of San Bernardino, Kellogg, Knight, Lowe, Lynch, Mahler, McClure, Parkinson, Reddy, Routier, Whitney, and Wright—15.

NOES—Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Del Valle, Dougherty, Drum, Kelly, Langford, Palmieri, Parker, Perry, Saxe, Spencer of Napa, Steele, Taylor, and Wallis—19.

Mr. Del Valle moved to reconsider the vote whereby the amendment offered by Mr. Reddy was lost.

Ayes and noes demanded by Senators Spencer, Routier, and Del Valle.

Mr. Del Valle moved that the whole subject-matter be made the special order for to-morrow, August eleventh, at two o'clock and thirty minutes P. M.

Ayes and noes demanded on the motion to postpone, by Senators Taylor, Cox, and Spencer.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Days, Del Valle, Dougherty, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Kelly, Kellogg, Knight, Lowe, Mahler, McClure, Parkinson, Reddy, Routier, Steele, Whitney, and Wright—19.

NOES—Messrs. Boone, Chandler, Cox, Creighton, DeLong, Drum, Langford, Lynch, Palmieri, Parker, Perry, Saxe, Spencer of Napa, Taylor, and Wallis—15.

The President announced the following as the committee to act with a like committee appointed by the Assembly, to entertain the Grand Army of the Republic visitors to-morrow: Senators Boone, Filcher, and Kellogg.

ADJOURNED.

At four o'clock p. m., on motion of Mr. Days, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, August 11, 1886. }

The Senate met at 11 o'clock a. m.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Del Valle, Dougherty, Drumm, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

RESOLUTION—(OUT OF ORDER).

By Mr. Kellogg:

Resolved, That the Senate take a recess from twelve o'clock m. until three o'clock p. m. of this day, and that the Sergeant-at-Arms of the Senate be and he is hereby instructed to dust the canopy in the rear of the President's desk, to clean the statuary, paintings, and frames, the globes, and drapery, and to decorate this Senate Chamber; and that the expense thereof be paid out of the Contingent Fund of the Senate.

Mr. Del Valle moved to amend, by adding "and to decorate this Senate Chamber."

Mr. Saxe moved to indefinitely postpone the resolution.

Mr. Taylor offered the following as a substitute:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to immediately cause the Senate Chamber to be properly dusted, cleaned, renovated, and decorated, in a manner becoming and befitting the reception and welcome of the Grand Army of the Republic; and that the expense thereof be paid out of the Contingent Fund of the Senate.

Mr. Whitney moved that the hour of recess be extended until the subject under discussion be disposed of.

Lost.

Mr. Knight moved that the substitute be indefinitely postponed.

So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, August 11, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 2—"An Act to repeal section one thousand four hundred and twenty-two of the Civil Code, relating to riparian rights."

FRANK D. RYAN, Chief Clerk.

Mr. Del Valle moved that Assembly Bill No. 2 be placed on the file.

Pending debate, Senators Kellogg, Boone, and Fileher asked to be relieved from the committee appointed by the President of the Senate yesterday to assist in entertaining the Grand Army of the Republic visitors.

Request granted.

At twelve o'clock and twenty-six minutes P. M. Mr. Del Valle moved to extend the hour of recess until the question under debate be disposed of.

Lost.

At twelve o'clock and twenty-eight minutes P. M. Mr. Speneer of Napa moved to extend the hour of recess until the question under debate be disposed of.

Lost.

RECESS.

Pending debate, the hour of recess having arrived, the President declared a recess.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Whitney, and Wright.

Quorum present.

Communication from Citizens' Committee on Reception of Grand Army of the Republic received and read.

Senators Boone, Kellogg, and Fileher withdrew their resignation as members of Committee on Reception of Grand Army of the Republic visitors.

The question being on the motion of Mr. Del Valle to place Assembly Bill No. 2 on the file, the same was so ordered.

Also, the following :

ASSEMBLY CHAMBER, SACRAMENTO, August 10, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed a concurrent resolution, relative to a proposed amendment to Article IV of the Constitution, relating to the construction of ditches and canals.

FRANK D. RYAN, Chief Clerk.

Mr. McClure moved that Assembly Concurrent Resolution No. 7 be placed on the file.

Ayes and noes demanded by Senators Speneer, Cox, and Fileher.

The roll was called, and motion lost by the following vote :

AYES—MESSRS. Boone, Chandler, Del Valle, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Knight, Lowe, Lynch, Mahler, McClure, Parker, Parkinson, Reddy, Routier, Steele, Whitney, and Wright—21.

NOES—MESSRS. Cox, Creighton, Days, DeLong, Dougherty, Drum, Kelly, Langford, Palmieri, Perry, Saxe, and Spencer of Napa—12.

Whereupon, the concurrent resolution was referred to the Committee on Constitutional Amendments.

FIRST READING OF BILL.

Senate Bill No. 10—An Act to provide for the formation of water districts and of irrigation districts, and for the preservation and distribution of the waters of the State for agricultural and other purposes.

On motion of Mr. Whitney, passed on file.

SECOND READING OF BILLS.

Senate Bill No. 12—An Act to define riparian rights.

Committee amendment: Strike out, after the word "right," in line one of printed bill, the words "as declared in section one thousand four hundred and twenty-two of the Civil Code of the State of California."

Mr. Kellogg moved to postpone further consideration of the amendment until Monday next, at three o'clock P. M.

The hour for consideration of special order set for two o'clock and thirty minutes having arrived, further discussion was postponed.

Mr. Kellogg moved that the special order set for to-day be made the special order for Monday, August 16, 1886, at two o'clock and thirty minutes P. M.

Ayes and noes demanded by Senators Spencer, Cox, and Taylor.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Creighton, Cross, Days, Del Valle, Dougherty, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, Steele, and Wright—25.

NOES—Messrs. Chandler, Cox, DeLong, Lynch, Parker, Saxe, Spencer of Napa, Taylor, and Whitney—9.

The question recurring on the postponement of Senate Bill No. 12, the ayes and noes were demanded by Senators Reddy, Routier, and Drum.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Creighton, Days, Del Valle, Dougherty, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Lowe, Mahler, McClure, Palmieri, Parkinson, Perry, Reddy, Routier, and Wright—22.

NOES—Messrs. Boone, Chandler, Cox, Cross, DeLong, Langford, Lynch, Parker, Saxe, Spencer of Napa, Steele, Taylor, and Whitney—13.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, August 11, 1886.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 2—Entitled "An Act to amend an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872"—and do now report the same back to the Senate, and recommend that it do pass.

Also, Senate Bills Nos. 7, 8, and 9—Entitled, respectively, "An Act to submit to the vote of the people of the State of California the question of creating and maintaining State waterworks for irrigation and other beneficial uses," "An Act to provide funds for the erection and maintenance of State waterworks," and "An Act to create the State Board of Water Commissioners, and prescribing its duties and powers"—and do now report the same back, and recommend that they do not pass.

Also, Senate Bill No. 14—Entitled "An Act to amend section one thousand two hundred and thirty-eight of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872"—and do now report the same back, with a substitute, and recommend the adoption of the substitute.

CROSS, Chairman.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 13—An Act to provide for the acquiring by the State of California of properties for the purpose of applying water to irrigation and other beneficial uses.

On motion of Mr. Cross, passed on file.

Senate Bill No. 5—An Act to declare the title to water in rivers, streams, lakes, and ponds, and the right to its use.

On motion of Mr. Whitney, passed on file.

Senate Bill No. 6—An Act concerning common carriers of water, and to define their duties.

Mr. Whitney moved to amend section two, by inserting the word "water" before the words "for irrigation," on line two.

Adopted.

Mr. Cross moved to amend section four, by striking out lines two and three of the bill, as printed.

Adopted.

Mr. Whitney moved to amend, by striking out section five.

Adopted.

Senate Bill No. 3—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights.

Mr. Spencer moved to make Senate Bill No. 3 a special order for Monday, August 16, 1886, at three o'clock and thirty minutes P. M.

So ordered.

Mr. Spencer moved to pass on file all second reading of bills, not yet acted upon, until Monday, August 16, 1886.

So ordered.

RESOLUTION—(OUT OF ORDER).

Mr. Creighton offered a resolution, relating to the "Cutting" affair in Mexico.

Mr. Cross moved to indefinitely postpone action upon said resolution.

So ordered.

Mr. Boone moved to take up and consider Assembly message.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, August 11, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Joint Resolution, as follows:

Resolved by the Assembly, the Senate concurring, That the members of the Senate and Assembly, with their constitutional officers, meet in the Assembly Chamber this evening, at seven o'clock, and proceed in a body to the Pavilion, to participate in the banquet tendered to the Grand Army of the Republic, as per invitation of the Executive Committee of the Grand Army of the Republic Reception, this day tendered.

FRANK D. RYAN, Chief Clerk.

Adopted.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Mr. Kellogg, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Thursday, August 12, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, DeLong, Del Valle, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

RECESS.

At eleven o'clock and fifteen minutes A. M. Mr. Boone moved to take a recess for fifteen minutes, to enable the Senators to receive ex-Post Commander Burdette, of the Grand Army of the Republic.

So ordered.

REASSEMBLED.

At eleven o'clock and thirty minutes A. M. the Senate reassembled. President Daggett in the chair.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Senator Days.

PETITIONS.

Mr. Chandler presented a petition from Wheatland Grange, pertaining to irrigation measures.

Referred to Committee on Irrigation and Water Rights.

Hon. Benjamin Knight, President pro tem., in the chair.

REPORT OF STANDING COMMITTEE.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, August 12, 1886.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Concurrent Resolution No. 7—Relative to a proposed amendment to Article IV of the Constitution, relating to the construction of ditches and canals—have had the same under consideration, and report the same back, without recommendation.

Also, Senate Bill No. 21—"An Act amending Section 1, of Article XIII, of the Constitution"—have had the same under consideration, and report the same back, with the recommendation that it do not pass, for the reason that it refers to a subject-matter, viz.: "revenue," and is not embraced in the proclamation issued by the Governor, convening the Legislature in extra session.

KELLOGG, Chairman.

RECESS.

At eleven o'clock and thirty minutes A. M. Mr. Boone moved to take a recess for ten minutes, to enable the Senators to receive Commander-in-Chief Fairchild, of the Grand Army of the Republic.

So ordered.

REASSEMBLED.

At eleven o'clock and thirty-nine minutes A. M. the Senate reassembled. President Daggett in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, August 12, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, in obedience to the instructions of the Senate, herewith submit the following report, covering the mileage and respective amounts due the following named officers and attachés of the Senate:

NAME.	Position.	Miles.	Amount.
F. J. Saxe.....	Assistant Secretary.....	256	\$25 60
J. J. McCarthy.....	Assistant Secretary.....	956	95 60
J. F. Meagher.....	Journal Clerk.....	168	16 80
C. S. McMullan.....	Assistant Journal Clerk.....	182	18 20
J. McNulty.....	Assistant Journal Clerk.....	208	20 80
G. H. Salisbury.....	Assistant Minute Clerk.....	256	25 60
Mrs. L. T. Russell.....	Postmistress.....	200	20 00

And suggest that the Controller should be and he is hereby authorized and directed to draw his warrant, payable out of the Contingent Fund of the Senate, as above indicated.

LYNCH, Chairman.

FIRST READING OF BILLS.

Senate Bill No. 10—An Act to provide for the formation of water districts and of irrigation districts, and for the preservation and distribution of the waters of the State for agricultural and other purposes.

Mr. Whitney moved that Senate Bill No. 10 be passed on file.

So ordered.

Senate Bill No. 2—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read first time, and placed on file for second reading.

Senate Bill No. 7—An Act to submit to the vote of the people of the State of California the question of creating and maintaining State waterworks for irrigation and other beneficial uses.

Read first time, and placed on file for second reading.

Senate Bill No. 8—An Act to provide funds for the erection and maintenance of State waterworks.

Read first time, and placed on file for second reading.

Senate Bill No. 9—An Act to create the State Board of Water Commissioners, and prescribing its duties and powers.

Read first time, and placed on file for second reading.

Senate Bill No. 14—An Act to amend section one thousand two hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

LEAVE OF ABSENCE.

Pending reading of Senate Bill No. 14, Mr. Filcher was granted temporary leave of absence.

Senate Bill No. 14, read first time, and placed on file for second reading.

Assembly Bill No. 2—An Act to repeal section one thousand four hundred and twenty-two of the Civil Code, relating to riparian rights.

Read first time, and placed on file for second reading.

SECOND READING OF BILLS.

Senate Bill No. 13—An Act to provide for the acquiring by the State of California of properties for the purpose of applying water to irrigation and other beneficial uses.

On motion of Mr. Cross, passed on file.

Senate Bill No. 5—An Act to declare the title to waters in rivers, streams, lakes, and ponds, and the right to its use.

On motion of Mr. Whitney, passed on file.

THIRD READING OF BILL.

Senate Bill No. 6—An Act concerning common carriers of water, and to define their duties.

Passed on file.

Mr. Baldwin moved to suspend the rules and allow him to withdraw his resolution relative to the Supreme Court.

Mr. Kellogg raised the point of order that the resolution was a part of the report of the committee, and could not be withdrawn by the author.

The Chair ruled that the report could not now be considered or withdrawn without the suspension of the rules.

Upon that question, the ayes and noes were demanded by Senators Kellogg, Johnson of San Bernardino, and Wallis.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Cox, Cross, Foster, Hurlburt, Johnson of Sonoma, Knight, Lowe, Lynch, Mahler, Parker, Parkinson, Perry, Saxe, Spencer of Napa, Steele, Taylor, and Wright—18.

NOES—Messrs. Boone, Chandler, DeLong, Del Valle, Johnson of San Bernardino, Kelly, Kellogg, McClure, Palmieri, Reddy, Wallis, and Whitney—12.

Mr. McClure moved to suspend the rules, and to now proceed to the consideration of the special order set for to-day, at two o'clock P. M.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Kellogg:

Resolved, That no further proceedings be had under the charges presented by D. S. Terry, and upon the resolution offered by Senator Baldwin.

Mr. McClure raised the point of order that the resolution was an amendment to the minority report, and was out of order.

Mr. Cross moved that the whole subject-matter be indefinitely postponed.

So ordered.

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Lowe, the Senate adjourned until Monday, August 16, 1886, at two o'clock and thirty minutes P. M.

IN SENATE.

SENATE CHAMBER,)
Monday, August 16, 1886.)

The Senate met at two o'clock and thirty minutes P. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of Sonoma, Kelly, Kellogg, Knight, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Rontier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of Thursday, August 12, 1886, read and approved.

LEAVE OF ABSENCE.

Mr. Johnson of San Bernardino was granted two days' leave of absence.

Mr. Vrooman was granted indefinite leave of absence.

SPECIAL ORDER—TWO O'CLOCK AND THIRTY MINUTES P. M.

Mr. Del Valle asked leave to withdraw his motion to reconsider the vote whereby the amendment offered by Mr. Reddy, on Tuesday, August tenth, was lost.

So ordered.

Senate Bill No. 16—An Act concerning the ownership, appropriation, diversion, and use of waters in this State.

Section one read second time.

Mr. Del Valle moved to amend section one, by striking out all of the last proviso, and insert in lieu thereof, the following:

And provided, that the bank owner, on any such stream, shall be entitled to the amount of water he may have heretofore actually used for domestic purposes, or the watering of live stock, but such amount of water may be furnished to said bank owner in a ditch or otherwise.

Mr. DeLong moved to amend the amendment, by inserting, after the words "live stock," the following:

And water for irrigation purposes to such an extent as shall have been diverted and used at the time of the passage of this Act.

Mr. Del Valle moved to amend, by inserting the word "artificial" after the word "for."

Accepted.

Mr. Boone moved to postpone further consideration of this bill until eleven o'clock and thirty minutes A. M. to-morrow.

RECESS.

At three o'clock and twenty-five minutes P. M. Mr. Cross moved to take a recess for fifteen minutes to receive the Nebraska Press Association.

So ordered.

REASSEMBLED.

At three o'clock and forty minutes P. M. the Senate reassembled.

Mr. Boone withdrew his motion to postpone consideration of Senate Bill No. 16.

Mr. DeLong withdrew his acceptance of the word "artificial" after the word "for" in his amendment to the amendment.

The question being on the adoption of the amendment to the amendment, the same was lost.

Mr. McClure moved to amend, by striking out the words "have heretofore actually used," and insert in lieu thereof the word "require."

Accepted.

Mr. Johnson offered the following as a substitute for the amendment offered by Senator Del Valle: Strike out the last proviso in section one, and insert the following:

Provided further, nothing in this Act is intended or shall be construed to impair any vested right.

Ayes and noes demanded on the adoption of the substitute by Senators Johnson of Sonoma, Steele, and DeLong.

The roll was called, and the substitute adopted by the following vote:

AYES—MESSRS. Boone, Chandler, Cox, Creighton, Cross, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of Sonoma, Kelly, Knight, Langford, Lowe, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright—31.

NOES—MESSRS. Days, Kellogg, and Lynch—3.

Mr. Spence of Napa offered the following amendment to section one: Insert, after the word law, on line four, the following:

Provided, that no diversion of water shall in any manner affect the right of any riparian proprietor to the use of so much of any natural body of water flowing through, over, or adjoining the lands of any proprietor, as may be necessary for domestic use, for watering of stock, and for irrigation where practicable.

Mr. Del Valle moved to amend the amendment, by striking out the words "and for irrigation where practicable."

Lost.

Mr. Whitney offered the following as an amendment to the amendment: Add to the end of the amendment the words:

Such water to be taken by ditches or other works constructed so as to prevent waste in the channels above.

Ayes and noes demanded on the adoption of the amendment of Mr. Whitney, by Senators McClure, Filcher, and Whitney.

The roll was called, and the amendment lost by the following vote:

AYES—MESSRS. Baldwin, Cross, DeLong, Del Valle, Filcher, Hurlburt, Kellogg, Lowe, Lynch, Mahler, McClure, Parkinson, Reddy, Routier, Steele, Whitney, and Wright—17.

NOES—MESSRS. Boone, Chandler, Cox, Creighton, Days, Dougherty, Drum, Johnson of Sonoma, Kelly, Knight, Langford, Palmieri, Parker, Perry, Saxe, Spencer of Napa, Taylor, and Wallis—18.

LEAVE OF ABSENCE.

Senator Foster was granted three days' leave of absence.

At five o'clock and thirty-six minutes P. M. Mr. Days moved to adjourn.

Lost.

The question recurring on the amendment offered by Senator Spencer of Napa, the ayes and noes were demanded by Senators McClure, Filcher, and Reddy.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Dougherty, Drum, Kelly, Knight, Langford, Palmieri, Parker, Perry, Saxe, Spencer of Napa, Taylor, Wallis, and Whitney—19.

NOES—Messrs. Baldwin, Cross, Del Valle, Filcher, Hurlburt, Johnson of Sonoma, Kellogg, Lowe, Lynch, Mahler, McClure, Parkinson, Reddy, Routier, Steele, and Wright—16.

On motion of Mr. Del Valle, the further consideration of Senate Bill No. 16 was made the special order for to-morrow morning, immediately after the reading of the Journal.

ADJOURNMENT.

At five o'clock and forty minutes p. m., on motion of Mr. Days, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, August 17, 1886. }

The Senate met at eleven o'clock a. m.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Del Valle moved to take up Assembly messages.

So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, August 12, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 8—"An Act concerning the ownership of water in natural streams, providing for the acquisition thereof by appropriation, diversion, and use, and declaring that the English common law of riparian rights, so far as it conflicts with this Act, shall not be recognized as a rule of decision in any of the Courts of this State."

FRANK D. RYAN, Chief Clerk.

On motion of Mr. Del Valle, Assembly Bill No. 8 was ordered placed on the file.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, August 17, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 11—"An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California, during the thirty-eighth fiscal year.

FRANK D. RYAN, Chief Clerk.
By ED. J. SMITH, Assistant Clerk.

Mr. Del Valle moved to suspend the rules, and take up, out of order, Assembly Bill No. 11, and read same first time.
So ordered.

FIRST READING OF BILL.

Assembly Bill No. 11—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California, during the thirty-eighth fiscal year.

Read first time, and, on motion of Mr. Del Valle, placed at the head of the second reading file.

RESOLUTION—(OUT OF ORDER).

Mr. Wright offered the following resolution:

Resolved, That the order excluding the Post reporter from the floor of this Senate be and the same is hereby rescinded.

Mr. Speneer of Napa moved that this resolution be made the special order for to-morrow, at eleven o'clock and thirty minutes A. M.

QUESTION OF PRIVILEGE.

Mr. Wallis arose to a question of privilege.

Mr. Cross moved to indefinitely postpone further consideration of the resolution introduced by Senator Wright.

Mr. Spencer of Napa withdrew his motion to make this resolution the special order for to-morrow, at eleven o'clock and thirty minutes A. M.

The question being on the motion of Mr. Cross to indefinitely postpone, the same was carried.

SPECIAL ORDER.

Senate Bill No. 16—An Act concerning the ownership, appropriation, diversion, and use of waters in this State.

Mr. Knight moved to amend section one, as follows: Insert in line one, section one, after the word "streams," the words "in which there is no other ownership."

Mr. Taylor offered the following as a substitute: Amend section one, in line one, by inserting, after the word "State," the following: "the right to the use of which is not vested in private ownership."

Accepted.

The hour of recess having arrived, the President declared a recess.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Saxe, Spencer of Napa, Steele, Taylor, Whitney, and Wright.

Quorum present.

The question being on the adoption of the substitute offered by Mr. Taylor, the ayes and noes were demanded by Senators Days, Speneer, and Cox:

The roll was called, and the substitute lost by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Dougherty, Drum, Kelly, Langford, Palmieri, Perry, Saxe, Spencer of Napa, Taylor, and Wallis—14.

NOES—Messrs. Baldwin, Cross, Days, LeLong, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Knight, Lowe, Mahler, McClure, Parker, Parkinson, Reddy, Steele, and Whitney—18.

Mr. McClure moved to reconsider the vote whereby the amendment offered by Mr. Reddy on Tuesday, August tenth, was lost.

Ayes and noes demanded on the motion by Senators McClure, Reddy, and Whitney.

Pending debate, Mr. Lowe moved to adjourn.

Mr. Del Valle asked to have the bill under consideration made the special order for to-morrow, immediately after the reading of the Journal.

So ordered.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Lowe, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, August 18, 1886.

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, corrected, and approved.

Mr. Knight moved that the rules be suspended, and that Assembly Bill No. 11 be read second time.

So ordered.

SECOND READING OF BILL.

Assembly Bill No. 11—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California, during the thirty-eighth fiscal year.

Read second time, and ordered to third reading.

SPECIAL ORDER—(RESUMED).

Consideration of Senate Bill No. 16—An Act concerning the ownership, appropriation, diversion, and use of waters in this State.

Pending debate, Mr. Steele moved to take up Assembly messages.

So ordered.

ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, August 18, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 3, relative to lands of the United States in the State of California.

FRANK D. RYAN, Chief Clerk.

Resolution adopted.

RESOLUTION—(OUT OF ORDER).

By Mr. Reddy:

WHEREAS, The Postmistress of the Senate having faithfully and efficiently performed the duties of Post Office Page, and has at all times attended to the delivering of the mail to members, and as no compensation has been provided for the duties thus devolved upon said Postmistress; therefore, be it

Resolved, That the Postmistress of the Senate be and is hereby allowed a per diem of two dollars from the commencement, and continuing to the end of the session, for such extra service.

Adopted.

RECESS.

The hour of recess having arrived, the President declared a recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Consideration of Senate Bill No. 16 resumed.

RESOLUTION—(OUT OF ORDER).

By Mr. Chandler: A resolution from Eden Grange of Alameda County, relating to irrigation.

MEMORIAL—(OUT OF ORDER).

Mr. Hurlburt offered a memorial from the Executive Committee of the National Greenback Labor party, relating to irrigation.

ADJOURNMENT.

Pending debate, at five o'clock and forty minutes P. M., on motion of Mr. Wallis, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, August 19, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Lynch, Mahler, Palmieri, Parker, Parkinson, Perry, Reddy, Saxe, Spencer of Napa, Steele, Wallis, and Wright.

Quorum present.

Prayer by the Rev. Thomas Filben.

Journal of yesterday read and approved.

CONSIDERATION OF SENATE BILL No. 11—(RESUMED).

Mr. Knight moved that the rules be suspended, and that Assembly Bill No. 11 be read third time.

So ordered.

THIRD READING OF BILL.

Assembly Bill No. 11—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California, during the thirty-eighth fiscal year.

Read third time.

Mr. Del Valle moved to postpone action on this bill until to-morrow, at eleven o'clock and thirty minutes A. M.

Motion lost.

The question recurring on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Creighton, Cross, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, Mahler, Palmieri, Parker, Parkinson, Perry, Reddy, Saxe, Steele, Wallis, and Wright—27.

NOES—Messrs. Boone, Days, Johnson of San Bernardino, and Spencer of Napa—4.

RESOLUTION—(OUT OF ORDER).

By Mr. Boone:

Resolved, That the sum of eight dollars be and the same is hereby appropriated out of the Contingent Fund of the Senate, to pay the expense of carriage hire incurred by the Senate Reception Committee on the occasion of the visit of General Sherman, and also on the occasion of the visit to Sacramento of the Grand Army of the Republic.

Adopted.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, August 12, 1886.

MR. PRESIDENT: Your Committee on Engrossment, to whom was referred Senate Bill No. 6, have examined the same, and report the same back, properly engrossed.

FILCHER, Chairman.

Mr. Kellogg moved that the Secretary be instructed to transmit immediately Assembly Bill No. 11 to the Assembly.

So ordered.

LEAVE OF ABSENCE.

Senators McClure and Foster were granted indefinite leave of absence.

RECESS.

At twelve o'clock and twenty-six minutes P. M. the President declared a recess.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Knight, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, and Wright.

Quorum present.

Mr. Kelly moved to take up Assembly messages.

Ayes and noes demanded by Senators Boone, Kellogg, and Parker.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cross, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Lowe, Lynch, Mahler, McClure, Parkinson, Reddy, Routier, Steele, and Wright—16.

NOES—Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Dougherty, Drum, Kelly, Knight, Langford, Palmieri, Parker, Perry, Saxe, Spencer of Napa, Taylor, and Wallis—18.

The question recurring on the motion made by Mr. McClure on August seventeenth, to reconsider the vote whereby the amendment offered by Mr. Reddy on Tuesday, August tenth, was lost, the ayes and noes were demanded by Senators Johnson of San Bernardino, Lowe, and Parker.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Cross, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Lowe, Mahler, McClure, Parkinson, Reddy, Routier, and Wright—15.

NOES—Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Dougherty, Drum, Kelly, Knight, Langford, Lynch, Palmieri, Parker, Perry, Saxe, Spencer of Napa, Steele, Taylor, and Wallis—20.

Mr. Fileher moved to strike out, in section one, lines four and five of printed bill, the words, "*provided*, that navigation in navigable streams, under the control of the United States, shall not be impaired."

Ayes and noes demanded by Senators Fileher, Mahler, and Parkinson.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Filcher, Hurlburt, Lynch, and Mahler—4.

NOES—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Langford, Lowe, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, and Wright—30.

Mr. Spenceer moved to strike out section five.

Ayes and noes demanded by Senators McClure, Johnson of San Bernardino, and Lowe.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Days, Dougherty, Drum, Kelly, Langford, Palmieri, Parker, Perry, Saxe, Spencer of Napa, and Taylor—15.

NOES—Messrs. Cross, DeLong, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Knight, Lowe, Lynch, Mahler, McClure, Parkinson, Reddy, Routier, Steele, Wallis, and Wright—19.

The question being: "Shall the bill be engrossed and ordered to a third reading?" the ayes and noes were demanded by Senators McClure, Lowe, and Parkinson.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Cross, De Long, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Lowe, Lynch, Mahler, McClure, Parker, Parkinson, Reddy, Routier, Steele, and Wright—21.

NOES—Messrs. Boone, Chandler, Cox, Creighton, Days, Dougherty, Drum, Langford, Palmieri, Perry, Saxe, Spencer of Napa, Taylor, and Wallis—14.

Mr. McClure moved to suspend the rules, and take up, out of order, Assembly Concurrent Resolution No 7.

Ayes and noes demanded by Senators Spenceer, Cox, and Taylor.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Chandler, Cross, DeLong, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Lowe, Mahler, McClure, Parkinson, Reddy, Routier, Steele, and Wright—18.

NOES—Messrs. Boone, Cox, Creighton, Days, Dougherty, Drum, Kelly, Knight, Langford, Lynch, Palmieri, Parker, Perry, Saxe, Spencer of Napa, Taylor, and Wallis—17.

Mr. Johnson of Sonoma moved to take up Assembly messages.
So ordered.

ASSEMBLY MESSAGES.

ASSEMBLY CHAMBER, SACRAMENTO, August 18, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted a concurrent resolution, proposing an amendment to Article XIV of the Constitution, relative to water and water rights.

FRANK D. RYAN, Chief Clerk.

Ordered to the file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, August 19, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following concurrent resolution, viz.:

Resolved by the Assembly, the Senate concurring, That when this Legislature adjourns to-day, it adjourns until Tuesday, the seventh day of September, 1886, at the hour of two o'clock P. M.

FRANK D. RYAN, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, August 19, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following concurrent resolution, viz.:

Resolved by the Assembly, the Senate concurring, That when this Legislature adjourns on Saturday, August 21, 1886, such adjournment shall be until Tuesday, September 7, 1886, at two o'clock P. M.

FRANK D. RYAN, Chief Clerk.

Mr. Cross offered the following resolution as a substitute for Assembly concurrent resolutions:

Resolved by the Senate, the Assembly concurring, That this session of the Legislature of California adjourn sine die on Friday, August 20, 1886, at twelve o'clock M.

Mr. Johnson of Sonoma moved the adoption of the substitute.

Ayes and noes demanded by Senators Johnson of Sonoma, Parkinson, and Lowe.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Druni, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Knight, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, and Wallis—32.

NOES—Messrs. Baldwin, Langford, and Wright—3.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, August 19, 1886.

MR. PRESIDENT: Your Committee on Engrossment, to whom was referred Senate Bill No. 16, have compared the same with the original, and find it to be properly engrossed.

FILCHER, Chairman.

Adopted.

Senator Knight was granted indefinite leave of absence.

ADJOURNMENT.

At four o'clock and thirty-seven minutes P. M., on motion of Mr. Spencer, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, August 20, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Druni, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Rev. T. Filben.

RESOLUTION—(OUT OF ORDER).

Mr. Days offered a resolution.

Mr. Kellogg moved to have the resolution read for information.

Pending the reading, Mr. Kellogg moved to take up the Governor's message.

So ordered.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, August 20, 1886. }

To the Senate of the State of California:

MR. PRESIDENT: I am instructed by the Governor to transmit this message to your honorable body.

J. J. TOBIN,
Private Secretary.

To the Senate and Assembly of the State of California :

At my call you met in special session on the twentieth day of July, for the purpose of considering and taking action upon measures which relate to the immediate and future welfare of the State.

A memorial, signed by eighty-nine members of this Legislature, was presented to me as Chief Executive of the State, petitioning me to call this extra session.

To that memorial were appended certain measures for legislative action, in regard to the diversion and use of the flowing waters of the State for irrigation, and I was therein informed by the signers that those measures would receive their support. I am bound to believe that they, the elected representatives of the people, were sincere in making such representations to me. In view of the vast importance of this question of water rights to the material welfare of the State, and in view of the light which has now been thrown upon it, I cannot but believe that the Legislature will pass such laws and amendments to the Constitution as may be necessary to set aside the English common law doctrine of riparian rights—a doctrine which, if sustained and enforced, will, in my judgment, destroy millions of property and ruin the agricultural interests of a large part of the State.

The consideration already given to the pending measures has resulted in securing a nearly unanimous support of certain constitutional amendments and bills in one branch of the Legislature.

Although over four weeks have elapsed since the Legislature convened, no agreement between the Houses has yet been reached.

The complex nature of the subject, and the wide diversity of opinions as to specific measures, go to show that the matter could not receive due and sufficient consideration at a regular session, which is limited in time, and during which many other public affairs demand attention.

The settlement of this great question in this special session, called for the purpose, will repay the State a thousand fold for the expenses of the session.

It now appears to be necessary to defer the daily sessions for a brief period. A general election is approaching. The two great political parties, through whose organized instrumentality, under our American system, the government of the State is, at regular times, renewed, are about to meet in conventions to nominate candidates. Many members of the Legislature desire to attend these conventions, and they may justly consider it their public duty to do so.

Accordingly, a resolution to adjourn until the seventh day of September has been passed by the Assembly, but the same has been disagreed to by the Senate. It seems to me proper that such an adjournment should be had. No additional expense would be entailed, since under the Constitution the per diem of the members ceases when there is an adjournment for more than three days. In the meantime, by communicating with their constituents and a consequent interchange of opinion, members may be better prepared, upon their return, to come to a proper agreement, resulting in wise and fruitful legislation.

Now, therefore, I, George Stoneman, Governor of the State of California, by virtue of the power vested in me by Section 11, of Article V, of the Constitution, do hereby adjourn the Legislature until Tuesday, the seventh day of September, A. D. 1886, at two P. M. of that day.

GEORGE STONEMAN, Governor.

Mr. Days moved to make the Governor's message the special order for to-day, at eleven o'clock and forty-five minutes.

Mr. McClure arose to a point of order, claiming that "the Legislature is now adjourned under the Constitution."

The President ruled that the Legislature was not adjourned until both branches of the Legislature had exhausted all their resources tending toward an agreement under the Constitution and statutes of the State.

Mr. Kellogg appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair be the decision of the Senate?"

Pending debate, Mr. Days raised the point of order, and read Section 13, Rule 5, claiming that he had the floor by virtue of the introduction of his resolution, and that he had but temporarily given way for the reading of the Governor's message.

The President ruled the point of order not well taken.

Mr. Kellogg rose to a point of order that "under the substitute offered by Mr. Cross for Assembly Concurrent Resolution adjourning sine die, the hour having arrived, the Senate stood adjourned."

The President ruled that further business could be considered; "that we have now under consideration the appeal from the decision of the Chair made by Mr. Kellogg," and that the point of order was not well taken.

Mr. Days having the floor, and pending debate, Mr. Del Valle raised the point of order that the gentlemen's remarks were not germane to the question.

The President decided the point well taken.

RECESS.

The hour of recess having arrived, the President declared a recess.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Langford, Lowe, Lynch, Mahler, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

The question recurring on the appeal made by Mr. Kellogg, the same was put by the Chair, as follows: "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Senators Days, Steele, and Parker.

Roll called, and the decision of the Chair sustained by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Kelly, Langford, Lynch, Mahler, Palmieri, Parker, Perry, Saxe, Spencer of Napa, Steele, Taylor, and Wallis—22.

NOES—Messrs. Baldwin, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Parkinson, Reddy, Routier, and Whitney—9.

Mr. Taylor moved to take up Assembly messages.

Pending debate, the President declared as follows: After reflection, and as the sense of the Senate has been taken in regard as to what constitutes a disagreement of the two Houses, the Chair is inclined, out of respect to the Governor and the Executive Department, to adopt the view of the Governor, and declare this body adjourned in accordance with his proclamation, and let the responsibility rest where it may.

Mr. Cross moved that the Secretary take charge of the documents and papers pertaining to the officers and desks of the Senate; also, that the Sergeant-at-Arms take charge of the property in his rooms and of the Senate not otherwise provided for; also, that the Postmistress take charge of and forward the mail matter of the members to such addresses as they shall furnish, until the meeting of the Senate on September 7, 1886.

ADJOURNMENT.

In accordance with the proclamation of the Governor, I now declare this body adjourned until September 7, 1886, at two o'clock P. M.

IN SENATE.

SENATE CHAMBER,

Tuesday, September 7, 1886. }

The Senate met at two o'clock P. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, DeLong, Del Valle, Dougherty, Drum, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Lowe, Lynch, Mahler, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

PROTEST.

Mr. Spencer of Napa offered the following protest:

CALIFORNIA LEGISLATURE, SENATE, SACRAMENTO, Tuesday, September 7, 1886.

WHEREAS, On the nineteenth day of August, 1886, the Assembly passed the following concurrent resolutions:

"Resolved by the Assembly, the Senate concurring, That when this Legislature adjourns to-day it adjourns until Tuesday, the seventh day of September, 1886, at the hour of two o'clock P. M.," and

"Resolved by the Assembly, the Senate concurring, That when this Legislature adjourns on Saturday, August 21, 1886, such adjournment shall be until Tuesday, September 7, 1886, at two o'clock P. M.," and

WHEREAS, The messages transmitting said resolutions to this Senate were, on motion of Senator Johnson, taken up and read, whereupon Senator Cross offered as a substitute for said Assembly resolutions, the following resolution:

"Resolved by the Senate, the Assembly concurring, That this session of the Legislature of California adjourn sine die on Friday, August 20, 1886, at twelve o'clock M."

Which was by the Senate duly adopted and transmitted to the Assembly; and whereas, on the twentieth day of August, 1886, and before this Senate was informed of what action had been taken by the Assembly on such substituted resolution, and before any disagreement between the Houses of the Legislature, with respect to the time of an adjournment existed, the Honorable George Stoneman, Governor of the State of California, transmitted to this Senate his message, proroguing the Legislature of the State of California to the seventh day of September, 1886; and whereas, after said message was read, the presiding officer of this Senate ruled that a disagreement between the Houses of the Legislature did not exist as to the time of adjournment, and that the Governor of the State had no power to adjourn or prorogue the Legislature, which said ruling of the Chair was appealed from, and the ruling of the Chair was, by the Senate, sustained; and whereas, said Senate has not been in session since the twentieth day of August, 1886, and the extra session of the Legislature of the State of California has lapsed and terminated.

Now, therefore, we, and each of us, protest against any further session of this Senate, and against any further legislative proceedings by this Senate, as illegal and without any authority of law.

Signed:

CLAY W. TAYLOR,
DENNIS SPENCER,
JOHN L. BOONE.

Journal of Friday, July 20, 1886, read and approved.

INTRODUCTION OF BILL.

By Mr. Kellogg: Senate Bill No. 22—An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department.

Referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage submit the following resolution, and recommend its adoption:

Resolved, That the Controller be and he is hereby instructed to draw his warrant in favor of Mrs. Carter Jackson, for five dollars and fifty cents, for washing towels for use of Senate for five weeks.

Adopted.

Also:

Resolved, That the Controller be and he is hereby instructed to draw his warrant in favor of the Union Ice Company for forty-three dollars and twenty-five cents for ice for use of the Senate for five weeks.

Adopted.

Also:

Resolved, That the Controller of State be and is hereby authorized to draw his warrant on the Treasurer in favor of Secretary of State for the sum of two hundred and fifteen dollars, payable out of the Contingent Fund of the Senate, being one half the total expense for decorating the Capitol building and grounds for the occasion of the Grand Army of the Republic. The State Treasurer is directed to pay the same.

LYNCH, Chairman.

Adopted.

FIRST READING OF BILLS.

Senate Bill No. 10—An Act to provide for the formation of water districts and of irrigation districts, and for the preservation and distribution of the waters of the State for agricultural and other purposes.

On motion of Mr. Whitney, Senate Bill No. 10 was passed on file.

Senate Bill No. 21—An Act amending Section 1, of Article XIII, of the Constitution.

First reading refused.

Assembly Concurrent Resolution No. 7—Proposed amendment to Article IV of the Constitution, relative to the construction of ditches and canals.

Upon the question: "Shall this bill be read the first time?"

The ayes and noes were demanded by Messrs. Del Valle, Mahler, and Johnson of San Bernardino.

The roll was called, and the bill ordered read a first time by the following vote:

AYES—MESSRS. Baldwin, Chandler, Cross, DeLong, Del Valle, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kellogg, Lynch, Mahler, Parker, Parkinson, Reddy, Routier, Saxe, Steele, and Wright—19.

NOES—MESSRS. Boone, Creighton, Dougherty, Drum, Palmieri, Perry, Spencer of Napa, Taylor, Wallis, and Whitney—10.

Assembly Concurrent Resolution No. 7.

Read first time, and placed on file for second reading.

Assembly Bill No. 8—An Act concerning the ownership of water in natural innavigable streams, and providing for the acquisition thereof by appropriation.

Read first time, and placed on file for second reading.

Assembly Constitutional Amendment No. 2—Proposed amendment to Article XIV of the Constitution, relative to water and water rights.

Read first time, and placed on file for second reading.

SECOND READING OF BILLS.

Senate Bill No. 13—An Act to provide for the acquiring by the State of California of properties for the purpose of applying water to irrigation and other beneficial uses.

Sections one and two read second time.

Mr. Cross moved to strike out section three.

So ordered.

Mr. Cross moved to strike out section four.

So ordered.

Mr. Cross moved to strike out section five.

So ordered.

Bill, as amended, ordered engrossed, and to a third reading.

Senate Bill No. 5—An Act to declare the title to water in rivers, streams, lakes, and ponds, and the right to its use.

Mr. Whitney asked that this bill be passed on file.

So ordered.

RESOLUTION—(OUT OF ORDER).

Mr. Taylor asked leave to introduce a resolution out of order.

So ordered.

Resolved by the Senate, the Assembly concurring, That the Legislature adjourn sine die at twelve o'clock midnight, on Wednesday, September 8, 1886.

Mr. Taylor moved the adoption of the resolution.

Ayes and noes demanded by Senators Taylor, Spencer of Napa, and Cox.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Del Valle, Dougherty, Drum, Foster, Johnson of Sonoma, Lyneh, Mahler, Palmieri, Parker, Perry, Reddy, Saxe, Spenceer of Napa, and Taylor—18.

NOES—Messrs. Baldwin, Cross, DeLong, Hurlburt, Johnson of San Bernardino, Kellogg, Parkinson, Routier, Steele, Wallis, Whitney, and Wright—12.

ADJOURNMENT.

At two o'clock and forty-five minutes P. M., on motion of Mr. Spencer of Napa, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Wednesday, September 8, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Langford, Lowe, Lyneh, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Spenceer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.
Journal of yesterday read and approved.

• RESOLUTIONS—(OUT OF ORDER).

Mr. Cross offered the following resolution:

Resolved, That the Committee on Attachés, Contingent Expenses, and Mileage be instructed to report to the Senate:

1. The mileage to which the Lieutenant-Governor and Senators are entitled at this prorogued session.
2. The amount proper to be allowed to attachés of the Senate from the twentieth day of August to the seventh day of September, 1886.

Mr. Taylor moved the adoption of the resolution.

Resolution adopted.

By Mr. Cox:

Resolved, That Martin Steinmetz be paid the sum of one dollar per day for lighting and attending the gas in the Senate Chamber during the session, and that the Controller is hereby authorized to draw his warrant, payable to said Martin Steinmetz, out of Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Mr. Boone moved to take up Assembly messages.

So ordered.

ASSEMBLY MESSAGES.

ASSEMBLY CHAMBER, SACRAMENTO, September 7, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following joint resolution:

Resolved by the Assembly, the Senate concurring, That the Honorable Secretary of State is hereby authorized and directed to deliver to each member of the present Legislature, free, upon his receipting to him therefor, one set of the Constitutional Debates of the last Constitutional Convention of the State of California.

FRANK D. RYAN, Chief Clerk.

Mr. Boone moved the adoption of the resolution.

Resolution adopted.

RECESS.

At eleven o'clock and thirty minutes A. M., Mr. Taylor moved to take a recess until two o'clock P. M.

So ordered.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, Del Valle, Dougherty, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Kelly, Kellogg, Langford, Lowe, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Saxe, Taylor, and Wallis.

Quorum present.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, September 8, 1886.

MR. PRESIDENT: Your Committee on Engrossment, to whom was referred Senate Bill No. 13—An Act to provide for the acquiring by the State of California of properties for the,

purpose of applying water to irrigation and other beneficial uses—have had the same under consideration, and respectfully report the same as properly engrossed.

FILCHER, Chairman.

FIRST READING OF BILL.

Senate Bill No. 10.—An Act to provide for the formation of water districts and of irrigation districts, and for the preservation and distribution of the waters of the State for agricultural and other purposes.

Passed on file.

SECOND READING OF BILLS.

Senate Bill No. 5.—An Act to declare the title to water in rivers, streams, lakes, and ponds, and the right to its use.

Passed on file.

Senate Bill No. 4.—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights.

Mr. Lowe asked leave to withdraw this bill.

So ordered.

Mr. Days asked leave to introduce a resolution, which was read for information.

Mr. Days moved the adoption of the resolution.

The President declared the resolution out of order.

At two o'clock and twenty minutes P. M. Mr. Taylor moved to adjourn until Friday, September 10, 1886.

Mr. Cross raised the point of order that, as the Senate had adopted a concurrent resolution to adjourn this date, at midnight, a motion to adjourn beyond that date, before the Assembly has notified the Senate of its action on said concurrent resolution, is out of order.

The President declared the point of order well taken.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 11.—An Act to propose an amendment to Article XIV of the Constitution, by adding six sections thereto, in relation to water rights.

Upon the question: "Shall the bill be read a second time?"

The ayes and noes were demanded by Messrs. Taylor, Cox, and Fileher.

The roll was called, and the bill ordered read a second time by the following vote:

AYES—Messrs. Cross, Days, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Kellogg, Lowe, Mahler, McClure, Parkinson, Routier, Saxe, Steele, Taylor, Whitney, and Wright—17.

NOES—Messrs. Boone, Chandler, Cox, Creighton, Dougherty, Drum, Kelly, Langford, Palmieri, Parker, Perry, and Wallis—12.

Mr. Foster was paired with Mr. Speneer. Mr. Foster would have voted "aye." Mr. Speneer would have voted "no."

Section three read.

Mr. Whitney moved to strike out the last sentence, to wit: "The use of said water to be granted or leased for a term of years, not exceeding twenty, upon conditions to be prescribed by law."

So ordered.

Mr. Fileher moved to amend section three, line four, by inserting the word "mining" after the word "navigation."

So ordered.

Mr. Taylor moved to amend section three, on line two, by inserting after

the word "California," the following words: "the right to the use of which is not vested in private ownership," so it will read:

The water flowing in all non-navigable rivers, streams, creeks, and natural courses within the State of California (the right to the use of which is not vested in private ownership), is the property of the public, and is dedicated to the use of the people of the State.

Ayes and noes demanded by Messrs. Taylor, Cox, and Parkinson.
The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Drum, Palmieri, Saxe, and Taylor—7.

NOES—Messrs. Cross, Days, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Kellogg, Lowe, Mahler, McClure, Parker, Parkinson, Routier, Steele, Wallis, Whitney, and Wright—17.

Mr. Foster was paired with Mr. Spencer. Mr. Foster would have voted "aye." Mr. Spencer would have voted "no."

Mr. Cross moved to amend section five, by striking out, on line two, the words, "directly accessible," and inserting in lieu thereof, the word "irrigable."

Adopted.

Mr. Cross moved to amend section six, by striking out the words "levied upon the lands of the district for whose service they may be intended," and inserting, in lieu, the words "collected upon the waters furnished by such works at a uniform rate."

Lost.

Mr. Fileher moved to amend section six, line three, by inserting the word "irrigable" before the word "lands."

Adopted.

Mr. Whitney moved to amend section six, by adding thereto the words "and to provide a sinking fund for the payment of the cost of the construction of the works contemplated by this section."

At three o'clock and fifteen minutes p. m. Mr. Wallis moved to adjourn until Friday, September tenth, at two o'clock p. m.

Ayes and noes demanded by Messrs. Del Valle, Cox, and Mahler.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boone, Cox, Creighton, Days, Dougherty, Drum, Kelly, Langford, Palmieri, Parker, Perry, Saxe, Taylor, and Wallis—14.

NOES—Messrs. Chandler, Cross, Del Valle, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Kellogg, Lowe, Mahler, McClure, Parkinson, Routier, Steele, Whitney, and Wright—16.

The question recurring on the amendment offered by Mr. Whitney, the same was adopted.

Mr. Cross moved to amend section six, line four, by striking out all after the word "intended," and inserting in lieu thereof the following: "In proportion to the water furnished thereto by such works."

Adopted.

Mr. Whitney moved to strike out, on lines three and four of section seven, the words "and to which the use of said waters shall be granted or leased."

Adopted.

The question being: "Shall this bill be ordered engrossed and read a third time?"

The ayes and noes were demanded by Messrs. Fileher, Whitney, and Steele.

The roll was called, and the bill refused engrossment and a third reading by the following vote:

AYES—Messrs. Chandler, Cross, Days, Filcher, Hurlburt, Kellogg, Lowe, Parkinson, and Steele—9.

NOES—Messrs. Boone, Cox, Creighton, Del Valle, Dougherty, Drum, Johnson of San Bernardino, Kelly, Langford, Mahler, McClure, Palmieri, Parker, Perry, Routier, Saxe, Taylor, Wallis, and Whitney—19.

Mr. Foster was paired with Mr. Speneer. Mr. Foster would have voted "aye." Mr. Speneer would have voted "no."

Mr. Whitney gave notice that he would move to reconsider the vote whereby Senate Bill No. 11 was refused engrossment and a third reading.

RESOLUTION—(OUT OF ORDER).

Mr. Boone offered a resolution, which was read for information.

Mr. Boone moved to suspend the rules and take up the resolution out of order.

Ayes and noes demanded by Messrs. Johnson of San Bernardino, Kellogg, and Parkinson.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Days, Dougherty, Drum, Kelly, Langford, Palmieri, Parker, Perry, Saxe, and Taylor—14.

NOES—Messrs. Cross, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Kellogg, Lowe, Mahler, McClure, Parkinson, Routier, Steele, Wallis, and Whitney—14.

Pending the call of the roll, Mr. Kellogg rose to a point of order, stating "that the President could not entertain the resolution, for the reason that the President had ruled on the point and been sustained by the Senate under appeal, viz.: that when it was reported that the Assembly had appointed a committee to wait on the Governor the President decided that they had acted without due dignity; the Senator's resolution is the same as that offered in the Assembly."

The President decided the point not well taken, as the vote was for a suspension of the rules, and not for the adoption of the resolution.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 15—Proposed amendment to Article XIV of the Constitution, relating to the public waters of the State.

Mr. Del Valle moved that Senate Bill No. 15 be passed on file.

So ordered.

Senate Bill No. 17—An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to the Legislative Department.

Mr. McClure moved that Senate Bill No. 17 be passed on file.

So ordered.

At three o'clock and twenty minutes P. M. Mr. Days moved to adjourn until Friday, September tenth, at two o'clock P. M.

The President ruled the motion out of order, as the same motion had been acted upon.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 18—An Act to propose to the people of the State of California an amendment to the Constitution of the State, relative to the waters of the State.

Mr. Kellogg moved to temporarily pass on file Senate Bill No. 18.

Ayes and noes demanded by Messrs. Cox, Perry, and Drum.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Chandler, Cross, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Kellogg, Lowe, Mahler, McClure, Parkinson, Routier, Steele, Wallis, Whitney, and Wright—16.

NOES—Messrs. Boone, Cox, Creighton, Days, Dougherty, Drum, Kelly, Langford, Palmieri, Parker, Perry, Saxe, and Taylor—13.

Carried.

Mr. Foster was paired with Mr. Speneer. Mr. Foster would have voted "aye." Mr. Speneer would have voted "no."

Mr. Del Valle moved to pass on file Senate Bill No. 19.

Ayes and noes demanded by Messrs. Taylor, Cox, and Langford.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cross, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Kellogg, Lowe, Mahler, McClure, Parkinson, Routier, Steele, Wallis, Whitney, and Wright—15.

NOES—Messrs. Boone, Chandler, Cox, Creighton, Days, Dougherty, Drum, Kelly, Langford, Palmieri, Parker, Perry, Saxe, and Taylor—14.

Lost.

Mr. Foster was paired with Mr. Speneer. Mr. Foster would have voted "aye." Mr. Speneer would have voted "no."

The President ruled that it required a two-thirds vote to pass a bill on file.

Mr. Del Valle appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the judgment of the Senate?"

The roll was called, and the decision of the Chair sustained by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, Dougherty, Drum, Filcher, Foster, Hurlburt, Kelly, Langford, Lowe, Palmieri, Parker, Perry, Saxe, Steele, Taylor, and Wallis—21.

NOES—Messrs. Del Valle, Johnson of San Bernardino, Kellogg, Mahler, McClure, Parkinson, Routier, and Whitney—8.

At four o'clock and fifteen minutes p. m. Mr. Taylor moved to adjourn.

Ayes and noes demanded by Messrs. Steele, Cross, and Langford.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Days, Drum, Kelly, Kellogg, Saxe, and Taylor—10.

NOES—Messrs. Cross, Del Valle, Dougherty, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Langford, Lowe, Mahler, McClure, Parker, Parkinson, Perry, Routier, Steele, Wallis, Whitney, and Wright—19.

At four o'clock and twenty-five minutes p. m. Mr. Perry moved to adjourn until Friday, September tenth, at two o'clock and thirty minutes p. m.

Ayes and noes demanded by Messrs. Kellogg, Lowe, and McClure.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boone, Chandler, Cox, Creighton, Days, Dougherty, Drum, Foster, Kelly, Langford, Palmieri, Parker, Perry, Routier, Saxe, Taylor, and Wallis—17.

NOES—Messrs. Cross, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Kellogg, Lowe, Mahler, McClure, Parkinson, Steele, Whitney, and Wright—13.

Mr. Drum moved to take a recess until eleven o'clock and thirty minutes, this date.

Motion lost.

At four o'clock and twenty-eight minutes P. M. Mr. Days moved to adjourn.

Ayes and noes demanded by Messrs. Perry, Johnson of San Bernardino, and Dougherty.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boone, Cox, Creighton, Days, Foster, Hurlburt, Kellogg, Langford, Parker, and Taylor—10.

NOES—Messrs. Chandler, Cross, Del Valle, Dougherty, Drum, Filcher, Johnson of San Bernardino, Kelly, Lowe, Mahler, McClure, Palmieri, Parkinson, Perry, Routier, Saxe, Steele, Wallis, Whitney, and Wright—20.

Mr. Kellogg moved to take up Assembly Bill No. 2 out of order.

Ayes and noes demanded by Messrs. McClure, Kellogg, and Routier.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cross, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Kellogg, Lowe, Mahler, McClure, Parkinson, Routier, Steele, Whitney, and Wright—14.

NOES—Messrs. Boone, Chandler, Cox, Creighton, Days, Dougherty, Drum, Kelly, Langford, Palmieri, Parker, Perry, Saxe, Taylor, and Wallis—15.

Mr. Foster was paired with Mr. Speneer. Mr. Foster would have voted "aye." Mr. Speneer would have voted "no."

Mr. McClure moved to suspend the rules and take up out of order Assembly Concurrent Resolution No. 7.

Ayes and noes demanded by Messrs. Mahler, Routier, and McClure.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Chandler, Cross, Del Valle, Filcher, Hurlburt, Johnson of San Bernardino, Kellogg, Lowe, Mahler, McClure, Parkinson, Routier, Steele, Whitney, and Wright—15.

NOES—Messrs. Boone, Cox, Creighton, Days, Dougherty, Drum, Kelly, Langford, Palmieri, Parker, Perry, Saxe, Taylor, and Wallis—14.

Mr. Foster was paired with Mr. Speneer. Mr. Foster would have voted "aye." Mr. Speneer would have voted "no."

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Mr. McClure, the Senate adjourned until Friday, September 10, 1886, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Friday, September 10, 1886. }

The Senate met at eleven o'clock A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Kelly, Kellogg, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Speneer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of Thursday, August 19, 1886, read and approved.

Journal of Wednesday, September, 8, 1886, read and approved.

REPORT OF STANDING COMMITTEE.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, September 10, 1886.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 22, have had the same under consideration, and a majority of said committee respectfully report the same back, without recommendation.

CROSS, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, September 8, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly adjourned until Friday, September 10, 1886, at ten o'clock A. M., and that the Senate resolution relative to adjournment sine die of this Legislature was laid upon the table.

FRANK D. RYAN, Clerk.

FIRST READING OF BILLS.

Senate Bill No. 10—An Act to provide for the formation of water districts and of irrigation districts, and for the preservation and distribution of the waters of the State for agricultural and other purposes.

Mr. Whitney moved that Senate Bill No. 10 be passed on file.

So ordered.

RESOLUTION—(OUT OF ORDER).

Mr. Filcher asked leave to introduce a resolution out of order, which was read for information:

Resolved by the Senate, the Assembly concurring, That this Legislature adjourn sine die to-day, Friday, September 10, 1886, at the hour of five o'clock P. M.

Mr. Kellogg moved to amend, by making the date "Saturday, September eleven, at twelve o'clock M."

Mr. Cross moved to make the resolution the special order for two o'clock P. M. to-day.

At eleven o'clock and fifty-five minutes A. M. Mr. Whitney moved to take a recess until two o'clock P. M. this date.

So ordered.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Days, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of San Bernardino, Kelly, Kellogg, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Routier, Saxe, and Wright.

Quorum present.

Mr. McClure offered the following substitute:

Resolved by the Senate, the Assembly concurring, That this twenty-sixth (extra) session of the Legislature do adjourn sine die on Saturday, September eleventh, at the hour of twelve o'clock M.

Mr. Kellogg raised the point of order that "the same date is in the amendment offered by me."

The President declared that the point of order was well taken.

Mr. McClure asked leave to change the hour to twelve o'clock and thirty minutes P. M.

So ordered.

Substitute adopted.

Mr. Lynch asked that the Journal of September seventh, as printed, be corrected as regards the report of the Committee on Attachés, Contingent Expenses, and Mileage; that the following be added to the resolution referring to "Mrs. Carter Jackson," and "Union Ice Company," viz.: "payable out of the Contingent Fund of the Senate."

So ordered.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, September 10, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred a resolution relative, in part, to "the amount proper to be allowed to attachés of the Senate from the twentieth of August to the seventh of September, 1886," have carefully considered the same. They have deliberated upon the resolution in connection with one offered on the twentieth of August, 1886, which provided, among other things, "that the Secretary and Sergeant-at-Arms should take charge of the documents and papers pertaining to the officers' desks and rooms of the Senate, and that the Postmistress take charge of and forward the mail to Senators' addresses until September 7, 1886."

Your committee consider that the terms of this resolution required the constant presence of the Postmistress, and therefore believe her entitled to her regular per diem of three dollars from the twentieth of August to September 7, 1886. Your committee do not understand that the resolution implied the attendance during the interregnum of the Secretary and Sergeant-at-Arms. Therefore, they being statutory officers, together with the Minute Clerk of the Senate, they are allowed, as is customary, mileage.

Relative to the other attachés of the Senate, your committee can find no warrant, either by law or precedent, for further or extra compensation, other than that which they receive on resuming their duties respectively, on September 7, 1886. Your committee recognize the apparent injustice of the Senate adjourning after only a four or five days' session and paying its attachés only for that period of time, when some of them in their attendance on the Senate may have come from long distances, involving, perhaps, more traveling expenses than their per diem will equal. Nevertheless, your committee are aware that the return of these attachés was not and cannot be compulsory; that their coming was entirely optional with themselves; and that they must have known, reasonably, that this session would doubtless not be very extended. When it is remembered that the number of attachés included in this resolution are forty-two, involving an expense to the commonwealth of two hundred and fifty dollars daily, your committee do not feel authorized to recommend the expenditure of funds of the State for services that have not been performed.

In the case of the Senate, the Executive, when dismissing us to our homes, directed us by proclamation to convene here on the seventh of September. It was a mandate that the Senate could not evade; by our oaths and the Constitution we were compelled to present ourselves in this chamber on the seventh day of September, 1886. Therefore, as the State does not require nor ask of its citizens gratuitous services, particularly when those services are compulsory, your committee believe that the Senate and statutory officers are entitled to receive mileage as at a regular or extra session.

In accordance with these views, your committee beg leave to submit the resolutions hereunto annexed.

LYNCH.
PARKINSON.

SENATE CHAMBER, SACRAMENTO, September 10, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the annexed resolution:

Resolved, That Martin Steinmetz be paid the sum of one dollar per day for lighting and attending the gas in the Senate Chamber during the session, and that the Controller is hereby authorized to draw his warrant, payable to said Martin Steinmetz, out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the following substitute:

Resolved, That the Controller be and he is hereby authorized to draw his warrant, payable out of the Contingent Fund of the Senate, for twenty dollars, in favor of Martin

Steinmetz, for services in lighting the gas in Senate Chamber and preparing same for the Grand Army of the Republic reception.

LYNCH, Chairman.

Adopted.

SENATE CHAMBER, SACRAMENTO, September —, 1886.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, having had under consideration the mileage of Senators and officers of the Senate, beg leave to report that the following Senators and officers of the Senate are entitled to mileage under the Constitution and Political Code, as follows:

NAME.	Miles.	Amount.	NAME.	Miles.	Amount.
F. T. Baldwin.....	96	\$9 60	J. R. Lowe.....	256	\$25 60
J. L. Boone.....	168	16 80	J. Lynch.....	168	16 80
A. L. Chandler.....	76	7 60	H. Mahler.....	122	12 20
F. Cox.....			D. McClure.....	168	16 80
D. J. Creighton.....	168	16 80	E. Palmieri.....	168	16 80
C. W. Cross.....	142	14 20	W. B. Parker.....	40	4 00
J. M. Daws.....	168	16 80	G. C. Parkinson.....	168	16 80
F. C. DeLong.....	200	20 00	G. H. Perry.....	168	16 80
R. F. Del Valle.....	956	95 60	P. Reddy.....	632	63 20
T. J. Dougherty.....	168	16 80	J. Rontier.....		
E. F. Drum.....	168	16 80	A. W. Saxe.....	256	25 60
J. A. Filcher.....	74	7 40	D. Spencer, of Napa.....	122	12 20
C. F. Foster.....	270	27 00	George Steele.....	598	59 80
B. G. Hurlburt.....	734	73 40	C. W. Taylor.....	354	35 40
A. P. Johnson, of San Bernardino.....	1,200	120 00	H. Vrooman.....	182	18 20
G. A. Johnson, of Sonoma.....	282	28 20	H. W. Wallis.....	222	22 20
M. Kelly.....	168	16 80	G. E. Whitney.....	182	18 20
W. W. Kellogg.....	372	37 20	W. J. Wright.....	120	12 00
Benj. Knight.....	410	41 00	I. G. Messie.....	316	31 60
B. F. Langford.....	96	9 60	Ray Falk, Minute Clerk.....	168	16 80

Resolved, That the Controller be authorized to draw his warrant payable out of the Mileage Fund of the Senate for the same.

LYNCH, Chairman.

Mr. Kellogg offered the following substitute to the report and resolution pertaining to mileage offered by the Committee on Attachés:

Resolved, That all of the attachés of the Senate should be allowed their full per diem during the recess of the Senate from August 20 to September 7, 1886.

Mr. Lynch rose to a point of order, stating: "the resolution is not germane to the question."

The President ruled the point well taken.

Mr. Spencer moved to make the matter under consideration the special order for to-morrow morning, immediately after the reading of the Journal. So ordered.

RESOLUTION—(OUT OF ORDER).

Mr. Cross offered the following resolution:

Resolved, That each officer and attaché of the session be allowed one half of their usual per diem between the twentieth day of August and the seventh day of September, and that the same be paid out of the fund for contingent expenses of the Senate, except the President, Secretary, Postmistress, and Sergeant-at-Arms, who shall receive their full per diem for said time, and the Controller is authorized and directed to draw his warrants on the Contingent Fund of the Senate for the said amounts.

Mr. Spencer moved to make the resolution offered by Mr. Cross the special order for to-morrow morning.

So ordered.

ADJOURNMENT.

At two o'clock and forty-five minutes P. M., on motion of Mr. Spencer, the Senate adjourned until to-morrow, at ten o'clock and thirty minutes A. M.

IN SENATE.

SENATE CHAMBER,
Saturday, September 11, 1886.

The Senate met at ten o'clock and thirty minutes A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Cross, Days, Del Valle, Dougherty, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Kelly, Kellogg, Langford, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Mr. Filcher was granted leave of absence until Monday, September 13, 1886.

SPECIAL ORDER.

Consideration of report of Committee on Attachés, Contingent Expenses, and Mileage.

Mr. McClure moved to strike out of the report that portion relating to the mileage of Senators.

Ayes and noes demanded by Messrs. Kellogg, Spencer, and Wallis.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Boone, Chandler, Kelly, McClure, Perry, Routier, Saxe, Spencer of Napa, and Wallis—9.

NOES—Messrs. Cox, Cross, Days, Del Valle, Dougherty, Drum, Foster, Hurlburt, Johnson of San Bernardino, Langford, Lynch, Mahler, Palmieri, Parker, Parkinson, Steele, Taylor, Whitney, and Wright—19.

The question recurring on the report of the Committee on Attachés, Contingent Expenses, and Mileage, relating to mileage to Senators and constitutive officers, the same was adopted.

The question recurring on the special order, "Consideration of resolution introduced by Senator Cross," the same was amended and adopted as follows:

Resolved, That each officer and attaché of the Senate be allowed their usual per diem for five days of the interregnum, and that the same be paid out of the fund for contingent expenses of the Senate, except the President, Secretary, Postmistress, Sergeant-at-Arms, and Mail Carrier, who shall receive their full per diem for said time, and the Controller is authorized and directed to draw his warrants on the Contingent Fund of the Senate for the said amounts.

ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, September 11, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in and adopted Senate Concurrent Resolution relative to adjournment sine die of the twenty-sixth (extra) session of the Legislature on Saturday, September eleventh, at the hour of twelve o'clock and thirty minutes P. M.

FRANK D. RYAN, Chief Clerk.
By ED. J. SMITH, Clerk.

RESOLUTIONS.

Mr. Whitney presented the following resolution:

Resolved, That a committee of three be appointed to inform the Governor that the Legislature is about to adjourn, and ask if he has any further communication to make to this body.

Adopted.

The President appointed as said committee Senators Whitney, Kelly, and Foster.

Mr. Lynch offered the following resolution:

Resolved, That the Union Ice Company be and that they are hereby allowed the sum of five dollars and sixty-five cents for ice during five days' session, to be paid out of the Contingent Fund of the Senate, and that the Controller be and he is hereby authorized to draw his warrant for the same.

Adopted.

Mr. McClure offered the following resolution:

Resolved, That a committee of three be appointed by the President to wait upon the Assembly, and ascertain if that body has any further business to transmit to the Senate.

Adopted.

The President appointed as such committee, Senators McClure, Chandler, and Langford.

The committee appointed to wait upon the Governor returned and reported that they had performed that duty, and that his Excellency stated that he had no further communication to make to the Senate.

The committee appointed to wait upon the Assembly returned and reported that they had performed their duty, and that the Assembly had no further communication to make to the Senate.

RESOLUTION.

Mr. Cross offered the following resolution:

Resolved, That the thanks of the Senate are due and are hereby tendered to the President and other officers of the Senate for the manner in which they have discharged their duties at the present extra session.

Adopted.

ADJOURNMENT.

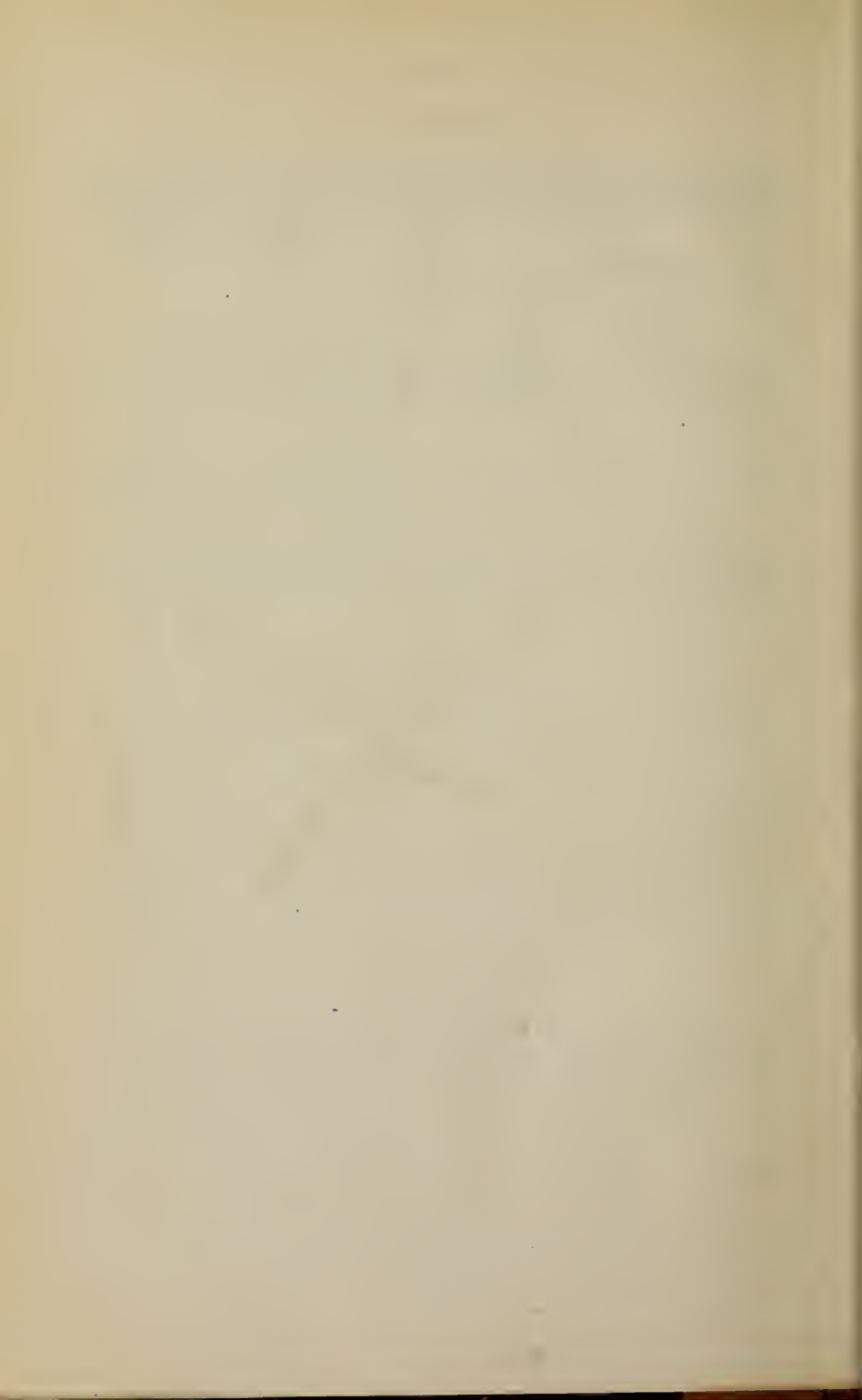
At twelve o'clock and thirty minutes p. m., pursuant to concurrent resolution adopted by both Houses of the Legislature, the President declared the Senate adjourned sine die.

JOHN DAGGETT,
President of the Senate.

Attest: EDWIN F. SMITH,
Secretary of the Senate.

R. G. FALK,
Minute Clerk.

By GUY H. SALISBURY,
Assistant Minute Clerk.



INDEX.

ORDER OF ARRANGEMENT.

INDEX TO PROCEEDINGS OF THE SENATE.

INDEX TO SENATE BILLS.

INDEX TO SENATE CONCURRENT RESOLUTIONS.

ABBREVIATIONS.—A. B., Assembly Bill; A. C. A., Assembly Constitutional Amendment; A. C. R., Assembly Concurrent Resolution; S. C. R., Senate Concurrent Resolution; S. B., Senate Bill; J. R., Joint Resolution.

INDEX TO PROCEEDINGS OF THE SENATE.

	PAGE.
ACT OF CONGRESS—	
Providing for time and manner of holding elections for Senators in Congress.	39
ADJOURNMENT—	
3, 11, 22, 24, 28, 30, 33, 37, 39, 40, 43, 45, 47, 54, 57, 63, 65, 66, 70, 72, 75, 81, 85, 87	
AMENDMENTS—	
Assembly constitutional	74
APPEAL—	
From the decision of the chair	71, 80

	PAGE.
BALDWIN, F. T.—	
Appointed on committee	21, 22
Granted leave of absence	43, 49
Moved to postpone special order	47
Moved to suspend rules	60
Petition	18, 32
Resolution	32, 34
Withdrew motion to postpone consideration	62
BILLS—	
Senate, No. 1	11, 21
Senate, No. 2	11, 21
Senate, No. 3	11, 21, 52, 57
Senate, No. 4	11, 21, 52, 77
Senate, No. 5	11, 21, 52, 56, 60, 75
Senate, No. 6	11, 21, 52, 60
Senate, No. 7	11, 21, 59
Senate, No. 8	18, 21, 59
Senate, No. 9	18, 21, 59
Senate, No. 10	20, 21, 52, 56, 59, 74, 77, 82
Senate, No. 11	23, 52, 67, 77
Senate, No. 12	24, 51, 56
Senate, No. 13	24, 56, 60, 75
Senate, No. 14	27, 59
Senate, No. 15	29, 52, 79
Senate, No. 16	31, 48, 53, 61, 62, 64, 65, 66
Senate, No. 17	44, 52, 79
Senate, No. 18	46, 52, 79
Senate, No. 19	48, 52, 80
Senate, No. 20	48, 52
Senate, No. 21	51, 74
Senate, No. 22	73
Assembly, No. 1	27, 29, 31
Assembly, No. 2	54, 59
Assembly, No. 8	63, 74
Assembly, No. 11	63, 64, 65

BOONE, J. L.—	
Appointed on committee	12, 21, 54
Asked leave of absence	35
Excused from acting on committee	55
Granted leave of absence	20, 46
Moved that S. C. R. No. 3 be now considered	32
Moved to adjourn	38, 46
Moved to adopt resolution	76
Moved to amend	38, 52, 53
Moved to dispense with further reading of the Journal	41
Moved to postpone further consideration	61
Moved to suspend rules and take up out of order	79
Moved to take up Assembly messages	57, 76
Question of privilege	25

BOONE, J. L.—CONTINUED.

PAGE.

Recorded as being present	3
Resolutions	12, 25, 44, 51, 67, 79
Resolution, Senate Concurrent No. 3	32
Withdrew resignation	55

C

CHANDLER, A. L.—

Appointed on committee	21, 86
Granted leave of absence	26, 49
Moved the election of Joseph Pinkard	10
Moved to proceed with election of Mail Carrier	10
Petition	37, 58
Resolution	66

CLARK, E.—

Appointed Porter	12
------------------------	----

COGLAN, DANIEL—

Appointed Porter	12
------------------------	----

COLEMAN—

Elected Assistant Sergeant-at-Arms	8
--	---

COMMITTEE—

On Constitutional Amendments	22, 48, 58
Joint	41, 42
On Attachés, Contingent Expenses, and Mileage	21, 26, 28, 30, 34, 44, 49, 59
On Engrossed Bills	21, 67, 70
On Enrolled Bills	21
On Finance	21
On Irrigation and Water Rights	21, 24, 26, 27, 30, 46, 47
On Judiciary	21, 37, 33, 58, 82
On Printing	21
On Rules	10, 12, 21, 28

COMMUNICATION—

From Citizens' Committee on Reception of G. A. R.	55
--	----

CONNELL, CHARLES—

Appointed Watchman	12
--------------------------	----

COX, FRED.—

Appointed on committee	21
Petition	24, 26, 37, 50
Resolution	10, 76

CRAIG, WILLIAM—

Appointed Porter	22
------------------------	----

CREIGHTON, D. J.—

Resolution	57
------------------	----

CROSS, C. W.—

Appointed on committee	10, 21
Bills, Senate, Nos. 7, 8, and 9	18
Bill, Senate, No. 13	24
Granted leave of absence	38, 39, 49
Moved relative to care of Senate during adjournment	72
Moved that Mr. Hudnut be invited to address the Senate	47
Moved the postponement of whole matter	34
Moved to amend	57, 78
Moved to adjourn	47
Moved to indefinitely postpone	57, 60, 64
Moved to pass on file	56, 60
Moved to strike out	75
Moved to take a recess	61
Nominated Joseph Worrill Assistant Sergeant-at-Arms	6
Offered a substitute	25, 69
Question of privilege	45
Raised point of order	77
Resolution	28, 45, 69, 76, 84, 86

D

DAYS, J. M.—

Appointed on committee	21, 22
Bill, Senate, No. 11	23
Bills, Senate, Nos. 19 and 20	48
Bill, Senate, No. 21	51
Granted leave of absence	58
Moved to adjourn	32, 54, 62, 63, 79, 81
Moved to adopt resolution	77
Moved to make a special order	71
Moved to refer resolution and petition to Judiciary Committee	32

	PAGE.
DAYS, J. M.—CONTINUED.	
Raised point of order	71
Resolution	48, 70, 77
DE LONG, F. C.—	
Appointed on committee	12, 21, 22
Granted leave of absence	46
Moved to amend	50, 61
Nominated Mrs. Lizzie T. Russell, Postmistress	8
DEL VALLE, R. F.—	
Appealed from decision of the Chair	80
Appointed on committee	9, 10, 21
Asked leave to withdraw motion of reconsideration	61
Asked permission to withdraw S. B. No. 16	31
Bill, Senate, No. 1	11
Bill, Senate, No. 16	31
Moved that ten thousand copies of Governor's message be printed	18
Moved to adjourn	3, 38
Moved to amend	54, 61, 62
Moved to dispense with further reading of Journal	12
Moved to extend hour of recess	55
Moved to make special order	51, 53, 63, 65
Moved to pass on file	79, 80
Moved to place on file	55, 63
Moved to place A. B. No. 11 at head of Second Reading File	64
Moved to postpone action on A. B. No. 11	67
Moved to postpone special order	46
Moved to reconsider	53
Moved to take up Assembly messages	35, 63
Moved to take up out of order	64
Moved to take a recess	38
Moved to transmit S. C. R. No. 2 to Governor	36
Petition	25, 26
Protest	23
DOUGHERTY, T. J.—	
Appointed on committee	21, 22
Granted leave of absence	30
Nominated R. G. Falk for Minute Clerk	4
DRUM, E. F.—	
Appointed on committee	21, 22
Granted leave of absence	29
Moved to adjourn	28, 32, 38
Moved to take a recess	80
Nominated Mr. Coleman Assistant Sergeant-at-Arms	6
Resolutions	51
F	
FALK, R. G.—	
Elected Minute Clerk	4
Granted leave of absence	29, 38
FARRELL, JOHN II.—	
Appointed Porter	12
FILCHER, J. A.—	
Appointed on committee	12, 21, 54
C. R. No. 1	11
Excused from acting on committee	55
Granted leave of absence	59, 85
Moved to adjourn	20
Moved to amend	77, 78
Moved to strike out	68
Recorded as being present	3
Resolution	82
Withdrew resignation	55
FOSTER, C. F.—	
Appointed on committee	21, 86
Granted leave of absence	27, 62, 68
Paired with Spencer	77, 78, 79, 80, 81
Petition	33
H	
HEARST, Hon. GEORGE—	
Nominated for United States Senator	40
HURLBURT, B. G.—	
Memorial	66
Petition	26

J

JACKSON, GEO. W.—	PAGE.
Nominated Engrossing Clerk.....	5
Elected Engrossing Clerk.....	23
JACKSON, CARTER—	
Appointed Porter for Sergeant-at-Arms.....	12
JOBSON, WILLIE—	
Appointed Page.....	18
JOHNSON, A. P.—	
Appointed on committee.....	21
Granted leave of absence.....	29, 37, 61
Petition.....	18
JOHNSON, G. A.—	
Appointed on committee.....	10, 21, 22
Granted leave of absence.....	49
Moved to adopt substitute.....	69
Moved to take up Assembly messages.....	69
Nominated Miss Josie Wolfskill Engrossing Clerk.....	6
Nominated Hon. George Hearst for United States Senator.....	40
Offered a substitute.....	62
Petition.....	44
Resolution.....	10, 44
JONES, HANK—	
Appointed Gallery Porter.....	12

K

KELLOGG, W. W.—	
Appealed from the decision of the Chair.....	71
Appointed on committee.....	21, 86
Bill, Senate, No. 18.....	46
Bill, Senate, No. 22.....	73
Excused from serving on committee.....	28, 55
Granted leave of absence.....	20, 38, 39
Moved to adjourn.....	20, 45, 57
Moved to adopt majority report.....	34
Moved to amend.....	82
Moved to have resolution read.....	70
Moved to postpone further consideration.....	56
Moved to postpone special order.....	56
Moved to take up Governor's message.....	70
Moved to take up A. B. No. 2.....	81
Moved to transmit A. B. No. 11 to Assembly.....	67
Nominated John McNulty Assistant Journal Clerk.....	5
Petition.....	18, 33
Point of order.....	79, 83, 60, 71
KELLY, M.—	
Appointed on committee.....	21, 86
Granted leave of absence.....	37, 39
Moved to take up Assembly messages.....	68
Nominated J. F. Meagher for Journal Clerk.....	5
KNIGHT, BENJ.—	
Appointed on committee.....	21, 22
Granted leave of absence.....	22, 34, 39, 43
Moved to amend.....	64
Moved to indefinitely postpone.....	54
Moved to suspend rules.....	65, 67
Nominated President pro tem.....	3

L

LANGFORD, B. F.—	
Appointed on committees.....	21, 86
Granted leave of absence.....	43, 46
Nominated Wm. DeVries Assistant Sergeant-at-Arms.....	6
Resolution relative to Committee on Rules.....	9
Resolution, Senate Concurrent, No. 4.....	49
LASCEY, F.—	
Appointed Page.....	12
LINN, W. G.—	
Appointed Porter.....	12
LONGSHORE, JAMES—	
Appointed Page.....	12
LOWE, J. R.—	
Appointed on committee.....	9, 21
Bill, Senate, No. 4.....	11
Moved to adjourn.....	22, 30, 35, 60, 65

LOWE, J. R.—CONTINUED.	PAGE.
Moved to refer petition to committee.....	46
Nominated Guy H. Salisbury Assistant Minute Clerk.....	4
Nominated Geo. F. Tuttle Engrossing Clerk.....	5
Nominated Geo. W. Jackson Engrossing Clerk.....	23
Petition.....	26
Point of order.....	84
Withdrew Senate Bill No. 4.....	77
LYNCH, HUGH—	
Appointed Gatekeeper.....	12
LYNCH, J.—	
Appointed on committee.....	21
Asked that Journal be corrected.....	83
Moved call of the Senate.....	38
Moved to amend.....	35
Moved to adopt resolution.....	51
Moved to correct the Journal.....	33
Moved to refer resolution to committee.....	10, 23
Moved to refer report to committee.....	37
Petition.....	33
Resolution.....	9, 24, 86
M	
Mc CARTHY, J. J.—	
Elected Assistant Secretary.....	4
Mc CLURE, D.—	
Appointed on committee.....	10, 21, 22, 86
Asked leave to change hour of adjournment.....	83
Bill, Senate, No. 17.....	44
Granted leave of absence.....	46, 68
Moved for recess.....	38
Moved to accept resignation.....	23
Moved to adjourn.....	24, 35, 36, 40, 45, 49, 81
Moved to amend.....	47, 62
Moved to indefinitely postpone.....	47
Moved to meet Assembly in Joint Convention.....	23
Moved to place A. C. R. No. 7, on file.....	55
Moved to pass on file.....	79
Moved to reconsider.....	65
Moved to suspend rules.....	60, 69, 81
Moved to strike out.....	85
Nominated Benjamin Knight for President pro tem.....	3
Point of order.....	60, 71
Petition.....	18, 29, 33
Question of privilege.....	45
Resolution.....	39, 40, 45, 82
McMULLAN, C. S.—	
Elected Assistant Journal Clerk.....	5
McNULTY, JOHN—	
Elected Assistant Journal Clerk.....	5
MAHLER, H.—	
Appointed on committee.....	21, 36
Granted leave of absence.....	49
Petition.....	29
Resolution.....	22
MARSHALL, OSCAR—	
Appointed Watchman.....	12
MEAGHER, J. F.—	
Elected Journal Clerk.....	5
MEMORIAL—	
By Hurlburt, relating to irrigation.....	66
MESSEC, I. G.—	
Elected Sergeant-at-Arms.....	6
MESSAGES FROM ASSEMBLY—	
Relative to A. B. No. 2.....	54
Relative to A. B.'s Nos. 8 and 11.....	63
Relative to A. C. R. No. 2.....	66
Relative to amendment to Article XIV of Constitution.....	69
Relative to adjournment.....	69, 82, 86
Relative to A. J. R.....	57
Relative to instructions of Secretary of State.....	76
Relative to S. C. R. No. 1 and A. B. No. 1.....	24
Relative to S. C. R. No. 2.....	36
Relative to Joint Convention.....	41
Relative to S. C. R. No. 4.....	50

MESSAGES FROM GOVERNOR—

PAGE.

Relative to legislation	19
Relative to adjournment	71
Relative to appointment of J. J. Tobin	20

MOTION—

To adjourn	3, 11, 20, 22, 24, 28, 30, 32, 35, 36, 38, 40, 43, 45, 46, 47, 49, 54, 57, 60, 62, 63, 65, 66, 70, 75, 77, 78, 79, 80, 81, 85
To adopt resolution	51, 76, 77
To adopt substitute	69
To amend	35, 38, 47, 50, 52, 53, 54, 57, 61, 62, 64, 77, 78, 82
To call of the Senate	38
To consider S. C. R. No. 3	32
To correct minutes	33
To declare the position of Engrossing Clerk vacant	18
To dispense with further reading of Journal	12, 41
To elect Joseph Pinkard Mail Carrier	10
To extend hour of recess	54, 55
To have resolution read	70
To indefinitely postpone	47, 54, 57, 60, 64
To lay resolution on table	51
To make Governor's message a special order	71
To make a special order	51, 57, 63, 82, 84
To meet Assembly in Joint Convention	41
To pass on file	56, 57, 60, 63, 74, 82
To pass all second reading bills on file	57
To place A. B. No. 2 on file	55
To place A. C. R. No. 7 on file	55
To postpone further consideration	56, 61
To postpone special order	46, 47, 53, 56
To postpone action on A. B. No. 11	67
To proceed to election of Mail Carrier	10
To reconsider	35, 53, 65
To refer resolution to committee	10, 51
To refer resolution and petition to Judiciary Committee	32
To refer report to committee	37
To refer petition to committee	46
To strike out	68, 75, 85
To suspend rules and take up out of order	60, 64, 65, 67, 69, 79, 80, 81
To take up Governor's message	70
To take a recess	21, 38, 58, 61, 80
To invite Mr. Hudnut to address the Senate	47
To take up Assembly messages	35, 41, 57, 63, 65, 68, 69
To transmit A. B. No. 11 to Assembly	67

N

NOTTINGHAM, HARRY—

Appointed Page	12
----------------	----

O

OATH OF OFFICE—

Administered	12, 13
--------------	--------

P

PALMIERI, E.—

Appointed on committee	21
Granted leave of absence	22, 36, 49

PARKER, W. B.—

Appointed on committee	21
Granted leave of absence	3, 20, 46

PARKINSON, G. C.—

Appointed on committee	21
Asked leave of absence	35
Petition	26, 29, 33, 37

PERRY, G. H.—

Appointed on committee	21
Granted leave of absence	20, 35
Moved to adjourn	43, 80
Moved to declare the position of Engrossing Clerk vacant	18
Nominated G. W. Jackson Engrossing Clerk	5

PETITIONS—

From certain signers of anti-riparian petition	24
Citizens of Los Angeles	25
Relative to irrigation and water rights	24, 26, 27, 29, 33, 37, 44, 50
Relative to irrigation measures	58

PETITIONS—CONTINUED.	PAGE.
Relative to Supreme Court	29
Relative to reorganization of Supreme Court	24
Relative to water rights	18
Renouncing call of extra session	24
PINKARD, JOSEPH—	
Elected Mail Carrier	10
POINT OF ORDER—	
By Del Valle	32, 72
By Cross	77
By Days	71
By Kellogg	60, 71, 77, 83
By Lynch	84
By McClure	71
PROCLAMATION—	
Of Governor	1
PROTEST—	
From Council of Los Angeles, relative to water rates	23
By Spencer, relative to sine die adjournment	73
R	
RECESS—	19, 20, 21, 26, 36, 51, 55, 58, 61, 64, 66, 68, 72, 76, 82
REDDY, P.—	
Appointed on committee	21
Bill, Senate, No. 3	11
Granted leave of absence	22, 39
Moved to amend	53
Nominated I. G. Messec, Sergeant-at-Arms	6
Petition	18, 26, 29, 33
Resolution	66
Withdrew S. B. No. 3, and made a substitute	20
REPORT OF COMMITTEE—	
On Amendments	48, 58
On Attachés, Contingent Expenses, and Mileage	26, 30, 34, 44, 49, 59, 74, 83
On Engrossment	67, 70, 76
On Finance	25
On Irrigation and Water Rights	31, 46, 47
On Judiciary	33, 56, 82
On Rules	12
REPORT OF—	
Joint Committee	33, 56, 82
Special Committee to wait on Assembly and Governor	86
RESOLUTION—	
By Baldwin, relative to Supreme Court investigation	32
By Baldwin, relative to Assistant Engrossing Clerk	34
By Boone, relative to Invitation Committee	12
By Boone, relative to reporter of San Francisco Post	25
By Boone, relative to S. J. Tilden	44
By Boone, relative to entertainment of G. A. R.	51
By Boone, relative to carriage hire	67
By Chandler, relative to irrigation	66
By Cox, relative to incidentals	10
By Cox, relative to per diem of Martin Steinmetz	76
By Creighton, relative to Cutting affair in Mexico	57
By Cross, relative to traveling expenses	28
By Cross, relative to committee reports	45
By Cross, relative to sine die adjournment	69
By Cross, relative to per diem of attachés and mileage	75
By Cross, relative to per diem of attachés and officers	84
By Cross, thanking officers of Senate	86
By Days, relative to Governor's proclamation	48
By Days	70
By Drum, relative to mileage of attachés	51
By Filcher, relative to sine die adjournment	82
By Johnson, G. A., relative to Watchmen and Porters	10
By Johnson, G. A., relative to death of S. J. Tilden	44
By Kellogg, relative to organization of Senate	3
By Kellogg, relative to rules of Senate	9
By Kellogg, relative to Pages, other attachés, and contingent expenses	10
By Kellogg, relative to appointment of Page	18
By Kellogg, relative to per diem of attachés	28
By Kellogg, relative to decoration of Senate Chamber	54
By Kellogg, relative to Supreme Court investigation	60
By Kellogg, relative to per diem of attachés	84

RESOLUTION—CONTINUED.

PAGE.

By Langford, relative to Committee on Rules	9
By Lynch, relative to organization of Senate	9
By Lynch, relative to petitions	24
By Lynch, relative to ice bill	86
By Mahler, giving power of attorney to Sergeant-at-Arms	22
By McClure, relative to election of United States Senator	38, 40
By McClure, relative to Joint Convention	40
By McClure, relative to Enrolling Clerk	45
By McClure, relative to sine die adjournment	82
By McClure, relative to appointment of committee to wait on Assembly	86
By Routier, relative to Mailing Clerk	23
By Taylor, relative to joint committee	9
By Taylor, relative to committee room	28
By Taylor, instructing State Printer	28
By Taylor, relative to Clerk of Committee on Irrigation and Water Rights	45
By Taylor, relative to decoration of Senate Chamber	54
By Taylor, relative to sine die adjournment	75
By Whitney, relative to appointment of committee to communicate with Governor	86
By Wright, relative to Post reporter	64
S. C. No. 1	11
S. C. No. 2	31
S. C. No. 3	32, 52
S. C. No. 4	49
S. C. No. 5	51
Assembly Concurrent	55, 66, 69, 74
ROBINSON, C.—	
Appointed Porter	12
ROLL CALL—	
.....	3, 4, 5, 6, 7, 8, 9, 11, 18, 20, 22, 23, 25, 26, 31, 32, 33, 35, 36, 37, 38, 39, 41, 43,
.....	45, 46, 47, 50, 52, 53, 55, 56, 60, 62, 63, 65, 67, 68, 69, 70, 72, 74, 75, 77, 78, 79, 80, 81, 85
ROUTIER, J.—	
Appointed on committee	21
Petition	26
Resolution	23
RULES OF THE SENATE—	
.....	12, 13, 14, 15, 16, 17, 18
RULING OF THE PRESIDENT—	
.....	32, 34, 38, 60, 71, 72, 77, 79, 80, 83, 84
RUSSELL, MRS. LIZZIE T.—	
Elected Postmistress	8

S

SALISBURY, GUY H.—	
Elected Assistant Minute Clerk	4, 5
SAXE, A. W.—	
Appointed on committee	21
Bill, Senate, No. 12	24
Moved to adjourn	47
Moved to indefinitely postpone	54
Petition	33
Recorded as being present	3
SAXE, F. J.—	
Elected Assistant Secretary of Senate	4
SMITH, ED. F.—	
Elected Secretary of Senate	4
Granted leave of absence	26
SPENCER, D.—	
Appointed on committee	21
Asked for leave of absence	36
Granted leave of absence	20, 37, 39
Moved to adjourn	70, 75, 85
Moved to extend the hour of recess	55
Moved to make special order	57, 64, 84
Moved to pass second reading bills on file	57
Moved to strike out	68
Nominated W. E. Bond Assistant Sergeant-at-Arms	7
Offered an amendment	62
Protest	73
Paired with Foster	77, 78, 79, 80, 81
S. C. R. No. 5	51
Withdrew motion to make special order	64
Withdrew request for leave of absence	36

	PAGE.
STEELE, GEO.—	
Appointed on committee.....	21
Moved to lay resolution on the table.....	51
Moved to take up Assembly messages.....	65
Petition.....	29
SULLIVAN, P. M.—	
Elected Enrolling Clerk.....	6

T

TAYLOR, C. W.—	
Appointed on committee.....	9, 21
Moved to adjourn.....	35, 36, 77, 80
Moved to adopt resolution.....	75, 76
Moved to amend.....	47, 77
Moved to refer resolution to committee.....	51
Moved to take up Assembly messages.....	72
Nominated P. M. Sullivan Enrolling Clerk.....	6
Offered a substitute.....	64
Offered an amendment.....	25
Resolution.....	9, 28, 45, 54, 75
TOOHEY, J.—	
Appointed Watchman.....	12
TOOMEY, WALTER—	
Appointed Page.....	12
TREFREN, REV. J. L.—	
Elected Chaplain.....	9
TUTTLE, GEO. F.—	
Elected Engrossing Clerk.....	5
Resignation of.....	23

V

VROOMAN, HENRY—	
Appointed on committee.....	21
Granted leave of absence.....	20, 43, 49, 61

W

WAGNER, JOS.—	
Appointed Gatekeeper.....	12
WALLIS, H. W.—	
Appointed on committee.....	21, 23
Moved to adjourn.....	66, 78
Question of privilege.....	64
Recorded as being present.....	3
WHITNEY, G. E.—	
Appointed on committee.....	10, 21, 22, 86
Asked that S. B. No. 5 be passed on file.....	75
Bills, Senate, Nos. 5 and 6.....	11
Bill, Senate, No. 10.....	20
Moved to amend.....	57, 62, 77, 78
Moved to extend hour of recess.....	54, 82
Moved to pass on file.....	57, 60, 74, 82
Moved to strike out.....	78
Moved to transmit S. C. R. No. 4 to Assembly.....	49
Nominated C. S. McMullan Assistant Journal Clerk.....	5
Nominated A. P. Williams for United States Senator.....	40
Petition.....	18, 27, 33, 37
Resolution.....	86
Gave notice of reconsideration.....	79
WILLIAMS, HON. A. P.—	
Nominated United States Senator.....	40
Elected United States Senator.....	43
WOLFSKILL, MISS JOSIE—	
Elected Assistant Engrossing Clerk.....	6
WRIGHT, W. J.—	
Appointed on committee.....	21
Bill, Senate, No. 2.....	11
Moved to take up Assembly messages.....	41
Nominated Rev. J. L. Trefren Chaplain.....	9
Petition.....	18, 26, 29
Resolution.....	64

INDEX TO SENATE BILLS.

Number	TITLE.	Introduced — Page	Passed Assembly — Page	Passed Senate — Page
1	An Act concerning the ownership of water in natural innavigable streams, and providing for the acquisition thereof by appropriation. Del Valle. (Withdrawn, page 30.)	11		
2	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872. Wright	11		
3	An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights. Reddy. (Withdrawn, page 20.)	11		
3	(Substitute.) An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights. Reddy.	20		
4	An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to water and water rights. Lowe	11		
5	An Act to declare the title to water in rivers, streams, lakes, and ponds, and the right to its use. Whitney	11		
6	An Act concerning common carriers of water, and to define their duties. Whitney	11		
7	An Act to submit to the vote of the people of the State of California the question of creating and maintaining State water works, for irrigation and other beneficial uses. Cross	18		
8	An Act to provide funds for the erection and maintenance of State waterworks. Cross	18		
9	An Act to create the State Board of Water Commissioners, and prescribing its duties and powers. Cross	18		
10	An Act to provide for the formation of water districts and of irrigation districts, and for the preservation and distribution of the waters of the State, for agricultural and other purposes. Whitney	20		
11	An Act to propose an amendment to Article XIV of the Constitution, by adding six sections thereto, in relation to water rights. Days	23		
12	An Act to define riparian rights. Saxe	24		
13	An Act to provide for the acquiring by the State of California of properties for the purpose of applying water to irrigation and other beneficial uses. Cross	24		
14	An Act to amend Section 1238 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Cross	27		

Number	TITLE.	Introduced — Page	Passed Assem- bly—Page	Passed Senate —Page
15	Proposed amendment to Article XIV of the Constitution, relating to the public waters of the State. Reddy	29		
16	An Act concerning the ownership, appropriation, diversion, and use of water in this State. Del Valle	31		
17	An Act to propose to the people of the State an amendment to the Constitution of the State of California, relative to the Legislative Department. McClure	44		
18	An Act to propose to the people of the State of California an amendment to the Constitution of the State, relative to the waters of the State. Kellogg	46		
19	An Act to propose an amendment to Article XIV of the State Constitution, by adding thereto Sections 3, 4, 5, 6, and 7, in relation to water rights. Days	48		
20	An Act to propose an amendment to Article XIV of the State Constitution, by adding thereto Sections 3, 4, 5, and 6, in relation to water rights. Days	48		
21	An Act amending Section 1, of Article XIII, of the Constitution. Days	51		
22	An Act to propose to the people of the State an amendment to the Constitution of the State, relative to the Judicial Department. Kellogg	73		

INDEX TO SENATE CONCURRENT RESOLUTIONS.

Number	TITLE.	Introduced — Page	Passed Assem- bly—Page	Passed Senate —Page
1	Directing Secretary of State to furnish State officers and each Senator and Assemblyman with one, and the State Library with ten copies of the work entitled "Irrigation Development," by State Engineer Hall. Filcher	11		11
2	Instructing United States Senators and Representatives from California to use every effort to secure the passage of a bill before Congress establishing a United States Judicial District in Southern California. Del Valle	31		32
3	Relating to the irrigation policy of the twenty-sixth (extra) session of the Legislature. Boone	32		32
4	Instructing Secretary of State to decorate the Capitol. Langford ..	49		49
5	Relating to sine die adjournment. Spencer of Napa	51		

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